A Radical Centrist Vision for the Future

100 New Constitutional Amendments

Billy Rojas – RadicalCentrism.org – 2011

These 100 proposed amendments to the U.S Constitution represent a comprehensive re-envisioning of American governance for the 21st century by Billy Rojas, a founding member of the Centroids community.

Whether or not you agree with Billy on the details, if you are intrigued by the concept of redesigning government to fit the needs of today’s citizens, come join the discussion on Centroids.

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Introduction

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Amendments for the Future

The point of view in the following Amendments is Radical Centrist in spirit. This means a perspective unique in American politics, one which regards both Left and Right as sources for good ideas while, at the same time, considering both Left and Right as agents of the devil, fonts of evil, and otherwise stupid or insane. This general set of considerations applies as well to “third parties” of various kinds, whether Green, Libertarian, Democratic Socialist, Constitutionalist, Conservative, or anything else. For those who would like an overview of Radical Centrist philosophy and its leading ideas, the first part of the Appendix includes statements about Radical Centrist Principles, Radical Centrist Values, and what Radical Centrism shares with Libertarians and where it is very different. In fact, Radical Centrism is distinctive in many ways, not only from Libertarianism but from all other political viewpoints.

There is also a Radical Centrist “11th Commandment,” namely:

Thou shalt be practical.

We sometimes may honor this commandment more in the breach than anything else, but it is an ideal of ours and it is important. This hardly means that we cannot dream big dreams, as many of the Amendments in this study attest, but the idea is that all of our proposals and objectives, and the like, ought to be conceived pragmatically. We some day hope to provide Independent voters with their “default” political philosophy, to which they turn as a matter of course in the future.

We believe that our ideas are superior to those of all other political people currently seeking to influence the 1/3rd of the electorate that does not identify with either the Democratic Party or the Republican Party and which considers itself “Independent.” But to accomplish any such task we had better be practical. This means both a need for us to show good common sense—as well as creative uncommon sense that allows us to arrive at workable solutions to real world problems.

The following 100 Amendments should provide a good overview of Radical Centrist political thinking and about what kind of America we would like to see emerge in the 21st century. The range of topics covered is comprehensive and the viewpoint taken is guaranteed to be controversial. You will need to actually read the Amendments first before taking a position on any of them, however. The titles only give an indication of subject matter, they give no indication of substance, just about all of which will surprise nearly everyone.

Seriously, if you look at a subject heading and think that you surely know what it is all about, you would be making a huge mistake. The ideas expressed in the following Amendments are original, not only in the sense that they are new, but in a more profound sense in that the thinking and the research behind the ideas is nothing you could possibly be prepared for. Well, maybe this claim is somewhat exaggerated, but if so, not my much.

Be prepared for the best in new ideas, and only the best.
The Constitution of the United States not only is the founding document of the American republic, it is our “bible,” the justification for all Law and for much of our politics also. But how should one interpret this essential document?

There are two main schools of thought on the question. The Originalist view, sometimes called “strict constructionism,” says that the intentions of the Founding Fathers who wrote the Constitution itself should take precedence in all matters pertaining to the document and its initial Amendments. Later Amendments should be interpreted according to the intentions of the authors of those Amendments. While there is qualification—it is vital to also know how these documents were understood generally at the time of ratification—this is pretty much the philosophy of the Originalists.

Those who champion a “Living Constitution” view of things say that we live in a very different world than the 18th century known by James Madison and the other thinkers who created the Constitution. Our world is drastically unlike the era of the American Revolution or, for that matter, the world of the 19th century following the Civil War. Therefore, since it is extremely difficult to amend the Constitution, Judges may take it upon themselves to amend it though judicial decisions based on ideas which are most relevant to our era in time, which reflect contemporary needs and values.

The Radical Centrist position is this:

There is no rational way to deny the premises of the Originalist view. Either seek to understand the intended meaning of the people who wrote the Constitution and its Amendments or end up with arbitrary meaning determined by simple opinion which, even when expressed by Judges, may not be very well-informed. Worse, extremely well-reasoned defenses of previous Constitutional law may be overturned by later courts simply because current public opinion has drifted in a new direction. A case in point is the Bowers v Hardwick decision of 1986 which was overturned in Lawrence v Texas of 2003. Quite simply, the later decision took no cognizance of just about any substantive arguments of B v H and, in the process, trampled underfoot many centuries of jurisprudence and cultural values. Indeed, things have gotten so far that the Supreme Court, almost as a matter of routine, voids even voter approved amendments to state constitutions as if democracy is inferior to a judicial oligarchy ruled by aging Left-wing jurists.

However, proponents of the Living Constitution make their own valid point. We simply cannot play “let’s pretend”. There is much about our life in the 21st century that men alive in the 1780s simply could not anticipate. And given the serious problems that confront anyone who seeks to amend the Constitution, what, exactly, is the Court supposed to do? Try and transport themselves to the world as it was known to Jefferson, Hamilton, and Madison? This cannot be done, and even if it could, would we really find answers to most of the questions that are important to us now?

An important 2002 essay by Jon Roland, “Principles of Constitutional Construction,” makes the point, about the ratification process in the various states, that: “As the debates proceeded, understandings evolved and clarified, and positions changed.” While this truth can be taken too far, after all, there was far more consistency than otherwise, it nonetheless is a fact that a good number of views held during the Constitutional Convention were later modified. Most famously was Madison’s reversal concerning the Bill of Rights. In 1787 he as strongly opposed to any such thing –on the grounds that the rights which came to be enumerated in the first ten Amendments were implicit in the body of the Constitution– but by 1788 he was the arch-champion of the concept and became its principal sponsor.

Another point made by Roland is that “original meaning” cannot only mean what the Founders were thinking at the time of ratification. After all, some of the men who drafted the Constitution were unsure of various
exact meanings even at the time of writing. Again, let us not take this observation beyond reasonable bounds. The drafters had objectives and ideals and were hardly groping for meaning. Generally they knew exactly what they intended. However, usually is not always, and sometimes their intent seems to have been to let Constitutional processes work themselves out, see what happens, and act accordingly. Madison provides still another example. In 1789 Madison proposed a new Amendment that would have clarified the exact meaning of “speedy trial.” His proposal, while it was debated, never was ratified and still languishes today—which the following document seeks to remedy.

Unfortunately, Roland’s article, thoughtful as it is, suffers from two major defects:

(1) It is presented in a very awkward-to-use format, which features small font size that cannot be changed into desired larger font size but only in larger increments than most readers will find helpful. Some is single space and some is double space, and basically the presentation is a mess. To have the view that format is not important is about as self-defeating as anything gets.

(2) His position is one of opposition to original meaning and, again and again, he turns exceptions into general rules through highly selective editing of evidence. Thus, while many of his observations are entirely valid and worth serious consideration, he simply cannot be trusted in all particulars and sometimes is downright misleading. But he makes the point that the Quest for Original Meaning is not a search for something always obvious, and it may, in cases, be a search for what does not exist. Hence it is vital to be honest about such matters and admit that some original meanings will never be accessible. Most, yes, a good estimate would seem to be approximately 90%. But the remaining 10% can be consequential.

This is not—in any way—meant to disparage the world of Roland. He is a Constitutional scholar of repute and is known nationally for his work for the Constitution Society. We are indebted to him even when we disagree with his conclusions.

**Why Radical Centrists want a large number of Amendments**

But is the best remedy for voids in original meaning to turn questions of Constitutional interpretation over to unelected judges? The Radical Centrist position is that any such course of action is a travesty. The best course to take is to amend the Constitution. However, not just amend it with a very few new propositions, but with a large number of Amendments that reflect the Living Constitution view that we are alive in a very different era than the 18th century.

Where both the political Left and the political Right agree is with respect to Amendments; neither wants to see very many of them. A few favorites is all that either really have interest in promoting. Otherwise the existing system seems to suit them fine, even if for different reasons, the Originalists because they do not want the Constitution to be interfered with, and the Living Constitution people because the current way of doing business allows judges to legislate from the bench. Radical Centrists take an altogether different approach to either the Originalist view or that of the judicial Left. This is an example of how the principle of “thinking outside the box”—to reuse a once au current slogan—can be employed to produce fresh and promising results. The guiding idea also has the virtue of simplicity. Namely: Let us convene a 21st century Constitutional Convention and discuss and debate an entire range of new “Amendments for the Future.” Then submit the recommendations to the states for ratification, as was done with the Constitution itself in 1787, 1788, and 1789.

The Radical Centrist view combines both serious Originalism and serious Living Constitution philosophy. This is what makes it radical; that is, affirmation of the strongest possible positions taken by each side to the debate. But because RC seeks to make sense of both views to arrive at a workable middle position it also is Centrist in a meaningful way.
This is not “triangulation,” a series of compromises to arrive at a mushy middle. This really is a radical approach with few compromises at all. Not that there aren’t times for compromise, there certainly are, but our preference is for decisiveness that preserves the strong points of both Left and Right—and sometimes of “Other.”

This said, Radical Centrists can be described as Originalists, at least if a number of qualifications are taken into account. What, after all, can any Amendment mean unless the purpose for drafting it in the first place is integral to how it is interpreted? But this is not to say that discerning original meaning is always easy to do. It may be, but often it is not. The reason is because James Madison was a complex thinker, America’s first philosopher it can be said, unless this honor goes to Benjamin Franklin, in any case someone who thought long and deeply about every word he put on paper when he wrote out the very first version of the Constitution. Not only that, and not counting the considerable thought that went into hammering the document into final shape on the part of delegates to the Constitutional Convention of 1787, there were the ideas of the so-called “Anti-Federalists” who were most responsible for giving us the Bill of Rights, the original 10 Amendments.

In so many words, the task of learning original intent is a mind-stretching endeavor. It is not simply a matter of finding correct answers on a multiple choice test which has cut-and-dried right answers. In most cases what is involved is understanding the philosophy behind an Article in the Constitution or behind an Amendment. This is far from impossible, however, and there have been many excellent papers that discuss aspects of this Constitution we all could benefit from knowing. See Appendix B for details.

The Writing Style of this Project

Amendments are varying length. Some are essays of several pages long, the equivalent of research articles. This was done when the subjects addressed were of sufficient complexity that anything less would not be able to explain the issues involved or the value of the proposed remedies.

Other Amendments are only one paragraph in extent, or only two or three paragraphs. Still others are about one page long.

Whatever is an “appropriate length” was the guiding principle. While this was sometimes a subjective decision, hopefully most proposed amendments are well-conceived, self-contained, and valuable. Another objective was to make each Amendment sufficiently well written to be a pleasure to read. In fact, the result is both a new kind of constitutional literature and a new way to create Amendments, breaking with past precedent to the effect that all must be simple and very short. This presumed imperative has outlived its usefulness.

Taken together, you will find a systematic plan for a new kind of American form of politics and government.

There are 88 Amendments which are spelled out sometimes in great detail in the body of the text. There are 12 short sketches for needed Amendments in this introductory essay, altogether 100 Amendments.

Strategy for a Constitutional Convention

As a matter of strategy, to have actual hope for a Constitutional Convention at any time in the near future, two Amendments should be ratified before all others. To expedite the process of ratification there is a
proposed Amendment that would change the present system to one where states representing 3/4ths of the population, rather than 3/4ths of states, would become normative, as long as the total number of states is at least 50 % plus one. As things are, states representing approximately 15 % of the population can block any Amendment, a situation that is intrinsically unfair.

On the other hand, states have special rights under the Constitution since we are a nation of semi-independent republics. To assure small states that their interests are not being overlooked, another Amendment, source of the idea not known, is proposed which would increase the number of Senators from 2 to 3.

The primary reason is so that at least one Senator from each state would need to be elected during each General Election, doing away with the oddity that 1/3rd of states have no senatorial contests each two years. This should make the Senate more responsive to changing political concerns.

This would also have the effect, however, of substantially increasing the number of Senate votes from smaller states, clearly an advantage to those states. These two Amendments would dramatically increase the chances for success for a new Constitutional Convention.

About the merits of the proposed new Amendments, this is now for you to judge.

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Acknowledgements

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Appreciations: Those Who Helped

Special appreciation should be expressed for help from David Block, a long time member of “Centroids,” as we call ourselves, at RadicalCentrism.org. I sent copies of early versions of a good number of Amendments to David and he took the time to offer his opinions and comments, and sometimes to rake me over the coals when he thought recommendations of mine were dubious.

David also suggested some Amendments, one of which, in the following pages, is pretty much his creation even if I took the liberty to re-write it to keep the material consistent with the style in the other Amendments, Other suggestions of his were incorporated into Amendments which are different in various ways but that are directly related to his proposals. All told as many as 15 Amendments reflect Mr Block’s criticisms or suggestions.

David kept me honest when I asked him for criticisms or sought his reaction to ideas which came to mind as I worked on this project. He has taken it upon himself to be the “gadfly”of our group and, while we sometimes disagree, some days seriously, his honesty and conscientiousness has been invaluable.

A disclaimer on David’s behalf would be advisable. He may well disagree with, as a reasonable guess, half of the Amendments to follow. But he may also take the view that it could have been much worse had he not expressed his opinions when he did. I have disagreements with Mr Block that are substantive and must make my own disclaimer since some of his ideas strike me as going much too far. For instance, he would like to abolish the Department of Education. I would not go nearly that far and would be satisfied simply to abolish
most of its current higher administrative staff, starting with Arne Duncan, current Secretary of Education, someone who is unfit for the office, who is immoral beyond description, and who is irresponsible in the extreme.

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List of Amendments

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2 Comments on “List of Amendments”

- A Radical Centrist Vision for the Future by Billy Rojas « Radical Centrism
  December 8, 2011 at 1:27 pm
  [...] things you agree with, some you disagree with, and a few that will challenge you deeply. Please read it over, then come share your thoughts with Billy (and the rest of us) on our [...] Reply

- Part 1 – 100 New Constitutional Amendments by Billy Rojas « Radical Centrism
  December 8, 2011 at 1:28 pm
  [...] contents of this page have become part of the sub-site A Radical Centrist Vision for the Future: 100 New Constitutional Amendments for [...] Reply

A Radical Centrist Vision for the Future

1. President

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1.1 Executive Privilege

All presidential documents, including electronic media, films, e-mails, and voice recordings, shall be made open to the public within 10 years from the time a chief executive leaves office.

Explanation: This Amendment allows the Supreme Court to grant extensions of up to an additional 10 years for national security reasons. However, unauthorized disclosure of executive secrets at any time while a president is in office, or during the 10 years thereafter, or an extension period, shall be treated as a felony crime. The purpose of this Amendment is both to prevent abuse of Executive Privilege and to prevent so-called “leaks” since they can damage the national interest. This refers to any leak of information which
effects national security as reasonably defined, as opposed to a loose interpretation. Normal political conduct should not be understood as falling under provisions of this Amendment.

Additional Provisions: The Director of any Federal intelligence agency has the right to appeal a negative extension ruling by the Supreme Court in this kind of matter and may request, beyond a further 10 years, an additional 5 year extension in a closed hearing, viz., to be decided in camera.

The Intelligence Committee of either the House or Senate shall have the right to read or otherwise review records of all in camera courts, by whatever designation or description these courts may be identified. Committee members who discover evidence of criminal wrong-doing are under no obligation to maintain secrecy. However, “criminal” means exactly that, not ideological use of the term to promote a social agenda no matter how well-intentioned. The penalty for disclosure of national security secrets shall be the same as for comparable acts of treason.

Exempted from provisions of this amendment are records of any and all kinds which exclusively concern a president’s personal life, for instance, voice recordings of a conversation with a spouse about medical or intimate matters, e-mails or equivalent to a brother or sister about personal finances, correspondence with a son or daughter about family issues, and so forth.

1.2 Presidential succession in case of catastrophe

Section 1: In the event that the office of the President and the Vice President are simultaneously vacant, the Speaker of the House of Representatives shall be the Acting President. While serving as Acting President, the Speaker shall not exercise or discharge any duty in Congress. The Speaker shall then set a date for a special election to fill the remaining term of President and Vice President as soon as is practicable, and unless the United States is involved in a declared war, that election shall be no later than 90 days after the Speaker assumes the duties of Acting President.

The special election shall proceed according to the laws as set forth by Congress and the several states for regular elections of Presidential electors, excepting only the date of the election. The Electors shall meet within one week of the conclusion of the special election, and the results of their voting shall be transmitted to Congress, where the results shall be counted, within one week thereafter. The Speaker shall not be eligible to run for the office of President for this special election.

The winner of the Electoral College shall become President, and thereafter shall take the oath of office, within one week’s time of Congress counting and announcing the results of the Electoral College vote. Upon the newly-elected President’s assumption of office, the Speaker shall no longer be Acting President and shall resume service in Congress.

The President and Vice President thus elected shall serve the balance of the remaining term of office to which the previous President had been entitled to serve. If the newly-elected President’s term of service in office is less than two years in duration, the President thus elected shall be eligible to run for re-election as if the forthcoming term was his (or her) first term.

Section 2: Within ten days of assuming the office of President by any manner other than election, the President shall then nominate a new Vice President, who shall immediately assume the office of Acting Vice President and shall become Vice President unless a majority of the Senate shall object to the nomination within thirty days of the President’s nomination.
This section shall not be operative if the President assumes office within 150 days of the date set for the regularly scheduled election of President of the United States.

Explanation: This Amendment is intended to provide for orderly transition in Government in case some event, such as a terrorist attack or virulent epidemic disease, kills or incapacitates both the President and Vice President at the same time, or nearly the same time.

While this Amendment leaves intact the possibility of the Speaker of the House becoming president, it does so only for extraordinary circumstances when a special election simply cannot be held, for instance because of effects of war. As the original author explained: “My objective in this proposed amendment is to not allow the Speaker of the House — who was elected by only a fraction of the citizens of a single state and who assumed this position of Constitutional prominence by virtue of doing whatever it takes to get ahead in Congress, which seems to be bringing home public largesse to particular localities… and appealing to parochial rather than national concerns — to execute the power of the Presidency for a significant period of time.” This criticism is clearly be based more on bad faith than anything else, but the point made has serious merit and real safeguard is necessary to protect the public from being governed by someone who may well put local interests far above what they should be.

Note: The wording of this Amendment is taken almost verbatim from a recommendation found at the website, “Not A Potted Plant,” for July 1, 2009. There have been modifications which seemed necessary given the fact that other Amendments being proposed here sometimes are based on other priorities than the unnamed author of the original Amendment.

1.3 Presidential Pardons

Executive pardons are the prerogative of the President on the condition that the person pardoned fully discloses any and all relevant illegal activity he (or she) has been implicated in. If, at some time after a pardon has been granted it is discovered that the individual has not disclosed all such illegal activity, the pardon is revoked and may not be restored.

This shall apply retroactively regardless of all previous provisions of the US Constitution. This is necessary because of abuse of the pardon privilege by recent Presidents, most notoriously G H W Bush and William Clinton. This suspension of the principle of no ex post facto laws is not intended to apply to any other law or subject except as covered in a separate Constitutional Amendment.

While the practical effect of discovery of law violation by those granted a pardon may only be upon the living, this allows historians and responsible journalists and legal scholars to examine relevant records so that post mortem judgements concerning reputations of recipients of pardons can hold such persons accountable for their crimes. If their reputations suffer consequences, that would be all for the good, as deserved in the name of justice.

1.4 Recess Appointments

No recess appointment shall be made by the President under section 2 of Article II unless the Congress shall have adjourned for at least thirty days — or in cases where the Congress has not acted on recommendations for appointments to federal offices after receipt of a recommendation for 30 days. However, in time of declared war, this restriction does not apply, nor does it apply in time of national emergency as declared by
the President, the declaration not formally objected-to by the Speaker of the House.

*Modified Amendment; original version suggested by Rich Vail.*

### 1.5 Line Item Veto

The President shall have the option to veto clauses of any bill brought before him (or possibly her) for signature. This does not mean “editing” of bills, a word or phrase at a time, only clearly identified clauses. Generally speaking, a clause is a numbered paragraph.

Any clause which receives a veto shall require the President to set forth in writing his specific reasons—and to propose a solution to any problem which he (possibly she) regards as so problematic that a signature cannot be given.

The President shall not have this prerogative if a bill has passed with a super majority of House or Senate votes. In that case the bill as a whole must be signed or not-signed.

A presidential veto may be over-ridden by provisions of the Constitution as already allowed for.

### 1.6 Covert Actions

The President shall have the power to allow covert actions at his discretion but with the understanding that he (or she) assumes full responsibility for those actions, with the knowledge that they will eventually become public record.

A President shall be responsible for actions of his subordinates, including, for example, a Secretary of Defense or a director on an intelligence agency. Acts of gross irresponsibility are as culpable as wilful criminal conduct, for instance the irresponsibility of Donald Rumsfeld during the early 2000s in his decisions concerning Iraq during which lawlessness was rampant in the streets, when priceless archaeological sites were looted, when government offices were looted, when the Iraqi military was denied possibility of gainful employment as a security or construction force as pre-planned by the Iraq Future group, resulting in many thousands of soldiers who became insurgents. Such irresponsibility deserves to be penalized as equivalent to treason.

The wording of the first paragraph follows closely a statement found at Rich Vail’s website.

### 1.7 National Security Secrecy Restrictions

The President shall be empowered to declare selective information as sufficiently sensitive that its disclosure to the public would represent a danger to our national security. However, to prevent abuse of this privilege each such secret shall be accessible to the Chief Justice of the Supreme Court at his (or her) discretion, with the option of sharing the information with the other Justices. If a secret document is interpreted as NOT being so classified because of national security needs, and only then, the Court may also use its discretion in determining who may also have access to the material.
Explanation: It is presumed that the President will provide the Court with a summary of each item of secret information no more than one year from the time of its classification and that the Court will rarely seek to inspect any such document, and generally presume the good intentions of the President, and only seek to examine secret documents at times of national interest. However, as Watergate should have taught us all, exceptions can be very important and the country needs a safeguard against a chief executive who bends the law, or ignores it, for reasons of self-interest.

This Amendment shall not be taken to mean that the principles implied here shall extend to other matters of official secrecy, with the major exceptions of military secrets in time of war, and peace negotiations with foreign nations through the duration of those negotiations but within a time frame not to exceed an administration’s term of office.

It is no secret that as of this writing the US Government and its agencies hold warehouses filled with classified documents of many kinds. This is unacceptable and serves no useful purpose. Therefore –

Top Secret and other high classifications, as well as lesser classifications, shall be accessible to appropriate Courts who will have the responsibility of overseeing declassification of present-day documents such that, when the process is completed no more than 10% of current documents will be allowed to remain secret. This Amendment also has the purpose of establishing new secrets classification rules such that, in the future, official secrets of any and all kinds will never again reach levels more than 10% of what they are at this time. A 10 year period is hereby allowed to fully implement this requirement, with no less than 10% of all documents effected to be declassified each year for the decade following ratification.

The intention of this Amendment is to restrict all classifications of secrecy to a minimum, those that are objectively extremely important. This does not restrict informal secrecy, and it allows for a category of temporary secrets which automatically become public domain after a limited period of time not to exceed two years in most cases, or up to four years by Executive order. Only the appropriate Court may extend the term limit for a temporary secret, and then only two or four years, as appropriate.

Only the Supreme Court may reclassify a temporary secret and place it in a permanent secrets category.

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A Radical Centrist Vision for the Future

2. Congress

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2.1 Laws shall apply to all citizens including members of Congress.

Fairness demands that laws passed by Congress shall apply to members of Congress as well as all other citizens –and non-citizen legal residents or anyone else resident in the United States. Exceptions are permitted for members of foreign embassies, although not including anyone guilty of felony crimes, but otherwise any exception shall only be allowable with a 3/4ths vote in Congress.

This Amendment includes taxation laws and any other laws that require a citizen to provide funds to the
Congress shall make no law that applies to the citizens of the United States that does not apply equally to Senators and Representatives; and, Congress shall make no law that applies to Senators or Representatives that does not apply equally to the citizens of the United States.

For far too long, members of Congress has passed laws that specifically exempt themselves from the effects of those laws, in the process granting themselves elite status and special advantages over all other Americans. This is unconscionable, unfair, and creates a privileged aristocracy that must not be tolerated in a representative democracy.

Therefore, Congress shall not exempt itself from any laws of the United States of America, in whole or in part, nor shall any government agency, board, panel or any other official group or person exempt any members of Congress from any law, regulation, policy or action which is applied to the citizens of the United States. In practical terms this means:

2.1.1. No pensions nor any semblance of tenure

A Congressman or woman collects a salary while in office and receives no pay when out of office.

Reimbursements for expenses incurred in the course of duties of office must be limited to no more than 10% of salary for that office in any given year. All expenses shall be made public record each calendar month.

2.1.2. Members of Congress (past, present and future) shall participate in Social Security.

This exemption from ex post facto provisions of previous Constitutional law is necessary because of extensive and prolonged abuses by members of Congress of both houses and parties. This is not intended to be generalized to other areas of Law and ex post facto provisions shall stand in all other cases unless specifically exempted by Constitutional Amendment. All funds in the Congressional retirement fund will move to the Social Security system immediately. All future funds shall flow into the Social Security system, and Congress shall participate with the American people. It may not be used for any other purpose.

2.1.3. Members of Congress can purchase their own retirement plans, just as all Americans do.

This Amendment voids any and all government retirement plans that members of Congress may have entered into with any agency of government. Representatives or Senators will be reimbursed for any monies paid into such plans, with market value interest added as if that money had been deposited in a bank with FDIC protections. No other considerations shall be given concerning retirement.

2.1.4. Members of Congress shall no longer vote themselves pay raises.

Congressional pay will rise (or stay the same, or decline) pegged to the Consumer Price Index. The base salary of elected officials and all other government employees shall be reviewed within one year of each census. Should Congress agree that an adjustment to the base pay should be made, such change can only be allowed with a 2/3rds vote in approval.

2.1.5. Members of Congress presently serving shall lose their current health care plans and must participate in any available health care system open to any American, and pay for the service just as all other US citizens do.
2.1.6 All contracts with past and present members of Congress are void within 30 days of ratification of this Amendment.

The American people did not make any contract with Congressmen or women. Members of Congress made contracts for themselves. Serving in Congress is an honor, not a career. The Founding Fathers envisioned citizen legislators, so ours should serve their term(s), then go home and back to work.

2.1.7 Serving members of Congress and the Judiciary shall have their personal assets held in a blind trust, just like the President, until they leave office.

This Amendment, here somewhat modified, seems to have first been suggested on December 29, 2010, by Rich Vail, who can be reached at The Vail Spot.

2.2 Informed Representatives and Senators

No bill being considered for enactment shall be voted upon unless members of Congress have the opportunity to read it first. It shall be regarded as an impeachable offense not to read a bill voted on. There shall be 1 day granted for this purpose for each 25 pages of text, and a minimum of 2 days in all cases.

All legislators must certify, under penalty of perjury, that they have read any bill before they can vote. No bill may be presented for a vote unless it has been made available for public viewing in its final form.

This Amendment may be referred to as the “read the damned bills!” Amendment.

The concluding two paragraphs, somewhat modified here, were proposed and published at Rich Vail’s site.

2.3 Removal from office for convicted felons

No official of the Federal Government shall be permitted to continue in his (or her) office upon conviction for a felony crime. This applies to all officials, elected or appointed. Likewise, it applies to Government employees of all descriptions. Termination shall take effect immediately upon conviction. All benefits in any form, such as monetary payment, insurance, retirement plans, etc, shall, upon conviction of a felony crime, be immediately terminated and, at the discretion of the Court, damages may be sought from the guilty.

2.4 Legislative Committee Assignments

The winning party in House elections shall be enabled to choose chairmen or chairwomen according to popular vote criteria. At this time each chamber has 20+ committees With a simple majority of less than 55 %, the winning party will have first choice for chairmanships for any 5 committees, all other committee chairmanships allotted alternatively between the two major parties.

For example, if the Democrats were to win an election with a simple majority they would chose which 5 committees their members would chair, followed by a Republican choice, another Democratic choice, and so forth, until all committees had chairs appointed.
Each additional 2-1/2% of the vote and the number of “first choice” chairmanships would increase by one.

For example, a victory margin of 59% of total popular vote and the winning party would select the first 7 chairmanships. In the case of the Senate, if staggered elections continue, 2/3rds of all committee chairmanships would be held over and the remaining chairmanships apportioned in a similar manner according to popular vote percentages. However, the following Amendment is proposed which would render parts of this provision moot if it is ratified, which would call for revision of wording here.

2.5 Number of Senators

The number of senators from each state (or commonwealth) shall be increased from two to three. This will ensure that during each Federal election one Senator from each state will stand for office.

2.6 Public interest Congressional Districts

All congressional districts shall be as geographically compact as possible, boundaries drawn with major consideration for local traditions, with the objective of making as many US House of Representatives districts in all states as politically competitive as possible. No more (or only an unavoidable few) “safe” districts which are not competitive will be acceptable. There shall be no racial or ethnic “quotas” in determining district boundaries although, as stated, all due respect shall be shown to local culture and traditions. Conversely, no districts should be drawn up to disenfranchise racial or ethnic minorities. In so many words, this Amendment disallows the practice known as “gerrymandering.”

Some tolerance shall be allowed in designing district geographic shapes such that there may be occasional departures from geometric regularity to accommodate, for instance, a neighborhood that has some odd shape on a map, or to cluster communities on one side of a mountain range, and the like, but liberties with this freedom shall not be acceptable. The objective shall be what is stated here, also sometimes referred to as the “Iowa system.”

This Amendment voids any previous decisions of the Supreme Court concerning Congressional District mapping.

This Amendment recommends that states shall employ non-partisan public interest organizations with appropriate expertise in making mapping decisions. However, the exact procedure employed to achieve the objectives outlined here are the prerogative of the states themselves.

The intention of this Amendment is to make elections competitive as much as feasible, to best serve the interests of democracy, something not served well now by the practice of “reserving” seats for politically favored population groups. Such seats tend to become political fiefdoms in which open and fair democracy is very problematic.

2.7 Third and Minor Party Representation in the House of Representatives

Twenty at-large seats in the House of Representatives shall be created in addition to the existing total, or future totals, to ensure representation for “third parties” or other minor parties. This presumes that no party in
addition to the Democratic Party and the Republican Party are able to win House seats, or only win a very limited number of seats, despite contesting various elections in any of the several states. In other words, to use examples from history by way of analogy, if a hypothetical Federalist Party was to poll as strongly as the Reform Party of 1992 but was shut out in its bid for electing members to the House, its portion of the non-major party vote might entitle it to ten seats. In addition, should the presumed Federalist Party win three or four House seats outright, the party would still be awarded those ten additional seats. However, there would be a limit to the number of at-large seats any one “third party” would be assigned in any election, a number hereby set at ten.

What is presumed here is that the pattern of most past elections would remain commonplace, such that no “other party” would normally outright win contests for the House of Representatives. In that case, the hypothetical results of an election, adding up all votes for minor or third parties nationwide, a presumed “Peoples Party” might be awarded seven seats, the next highest tally going to the “Whig Party” which might receive five seats, the “Liberty Party” might receive four, and so forth. In other words, for each 5% of the total votes in the nation for House seats for all “other” parties in a general election, an alternative party would be awarded one seat in the House of Representatives.

Explanation: It is time enough to cease to shut out minor or third parties from representation in Congress. Such parties have always contributed to the national debate in new and sometimes important ways, and deserve such representation. This Amendment preserves the status of a system in which there are two major political parties, yet allows for the rise of a new party when the people demand it, as has happened in American history in the 19th century and almost happened in 1912 or even 1992.

At the same time it says that, even when alternative political parties receive relatively small vote totals, there is recognition of the fact that the two party system is heavily skewed in favor of citizens not voting for “other” parties because, even when they do, ” their votes don’t count.” Through this Amendment their votes would undeniably count. This Amendment takes the view that third and minor political parties are an asset to the public and would help foster a new kind of politics in the Congress which would stimulate new solutions to vexing problems which will always arise within a strictly two party system.

2.8 Tribunes of the People

The office of Tribune of the People shall be created so that Congress will be obligated to listen to the grievances and recommendations of citizens who otherwise would have no other voice in Government. There shall be three Tribunes, always at least one man and at least one woman. Tribunes shall be elected every two years at the national level, and serve no more than one two year term. This office is non-partisan by design and their campaigns shall be non-partisan in nature. They shall maintain offices within the House of Representatives but have no voting rights in that body; their function is simply to make representatives aware of issues that may be overlooked by reason of the fact that nearly all elected officials belong to a partisan political party. Each Tribune shall act as a national “ombudsman.” In that capacity each shall have the opportunity, one day each year, to present his or her case before the House of Representatives in open hearing.

Obviously, each Tribune will be able to speak to members of Congress when Senators or Representatives are not on the floor conducting the business of government. A Tribune, in effect, is a lobbyist of the citizenry, and of no commercial interests or labor union.

NGOs or citizens’ organizations or the like may well have interest in promoting candidates for this office, but
it is up to such groups, extant or newly formed, to create a workable system for nominating and electing Tribunes.

2.9 Professional and Occupational Balance among Legislators

No political party may nominate for office for any given election candidates who predominantly have one kind of professional background. No profession may be have more than one-third of nominees. That is, lawyers of all kinds shall comprise a maximum of 33% of candidates for any political party. This applies to all other professions, such as for example, academics. The intent of this Amendment is not to be circumvented, for instance, by considering professors of political science in a different professional category than professors of sociology or psychology. This principle applies to people in business, or anything else.

2.10 Coherent and Reasonable Legislation

Each bill passed by the Congress into law shall be restricted to a single subject, or limited set of obviously related and interdependent subjects. The nature of the proposed legislation shall be expressed in its title.

No bill brought before Congress shall exceed 100 pages in length, which is to say the equivalent number of words found in a published scholarly book set in 12 point type, Times New Roman font, of this length. If legislative need is complex in nature a series of related bills may be introduced for consideration.

Each bill passed by the Congress shall identify by name the Representative or Senator responsible as principal sponsor for each provision, appropriation, emolument, or encumbrance within said bill; and no provision, appropriation, emolument, or encumbrance shall be considered law unless so identified.

This Amendment expressly prohibits spending bills being added on to other, unrelated, legislation.

Each piece of new legislation should have its means of funding clearly set out.

When a bill becomes law the Congress shall be responsible to expend all necessary monies at that time, or within 48 hours. There shall be no further continuing resolutions.

Congress expressly designate the regulatory scope of the various agencies which have designated responsibilities for enforcement or enactment of new legislation.

Any approved act of Congress shall have a life as law of no more than 20 years. After which, unless voted on and re-approved, said law becomes null and void. Exempted from this provision are criminal statutes, or equivalents, which deal with such actions as are currently regarded as felony offenses liable to penalty of incarceration.

Because of past Congressional conduct, a lesson learned the hard way, this is necessary so that two effects are achieved:

The House of Representatives and the Senate will be kept busy updating existing legislation (so there is less time for mischief) and forcing each member to justify his or her vote on each issue.

Additionally this would encourage streamlined legislation that could be easily read, understood and justified
by each member, and compel entrenched bureaucracies to regularly justify their existence to Congress.

This will, among other things, also end the practice known as “Christmas Tree” legislation whereby a bill may be loaded up with earmarks until its original design and purpose become obscured beneath a large number of unrelated add-ons. By common consent, however, each Christmas season each House of Congress shall be permitted to pass one “Christmas Tree Bill” in which each member shall be permitted one earmark to be added to a bill created for this purpose.

Otherwise, earmarks shall be permitted only on the following special condition:

Any Congressman or woman or Senator who wants to insert an earmark in a bill will have to cut off and staple one of his or her ears to the bill. This will limit each member of Congress to just two earmarks in a lifetime. Why do they need ears? They don’t listen to us anyway.

Nearly all of this Amendment has been taken from Rich Vail’s site, mostly verbatim. The wording, with a few exceptions for reasons of style, could not be improved upon.

2.11 Term Limits

No Federal elected official, including the President or members of Congress, shall be eligible for more than 12 consecutive years in that office. There are no restrictions for members of either House of Congress on seeking other elected offices or seeking re-election to an original office after an interval of two years has elapsed after serving in an elected office.

This also nullifies Amendment XXII. However, a retiring President cannot become Vice President and no President, after serving three terms in office in any sequence, may again become the nation’s Chief Executive.

2.12 Up-dating Legislation

Congress and Senate will be given a time of 2 years to re-ratify all existing laws to bring them in line with new Amendments to the US Constitution. Any law that fails to meet the deadline will be deemed null and void.

If 2/3rds of all State legislatures vote (by simple majority) against an existing Federal law, that law will be considered null and void regardless of action by the Federal legislature.

In extreme cases –the intention here is for less than ten such cases in either house– should a current law be deemed too difficult or dangerous to modify in two years, Congress may, by super majority vote, approve a two year extension, after which no further extensions will be allowed.

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A Radical Centrist Vision for the Future
3. Judiciary and Criminal Justice

A Radical Centrist Vision for the Future > List of Amendments > Judiciary and Criminal Justice

3.1 Non-partisan election of Supreme Court Justices

Direct non-partisan national election of Justices shall henceforth be required for service on the Supreme Court. Justices shall serve 8 year terms with only one re-election possible. Current sitting Justices shall start the count of their years on the High Court –for election purposes– from the time of their appointment to the Court, and may not seek election to the the Court if their time on the bench exceeds 8 years. Those that exceed service of 16 years are hereby asked to resign.

The purpose of this Amendment is to ensure an end to a judicial system based on gerontocracy and to ensure that no one political party, through luck of circumstances, is able to set the agenda of the Court for many years through unelected appointments. It is also intended to replace a system whereby a Justice is appointed because of his or her youthfulness and thereby will represent a President’s interests for many decades into the future, something which subverts the purposes of justice which should be the over-riding concern of the Court.

There shall be staggered elections for Justices. Each two years, two justices shall stand for office.

Approval of the American Bar Association shall be required for all candidates for Justice of the Supreme Court, with the proviso that, in exceptional cases, candidates need not be lawyers. Moreover, the Bar Association shall feel free to recommend candidates and pass them to the Senate –which is hereby charged with the responsibility to choose, on a bi-partisan or non-partisan basis, its own recommended pairs of candidates for Justice. That is, elections for the office of Justice should be contested.

Persons who wish to stand for the office of Justice may petition the Senate, even without Bar Association recommendation, for this privilege; this allows otherwise overlooked potential candidates to at a minimum receive recognition and express views of interest to a wider public with good chance of being listened to and of having some influence on political policy as it pertains to the Law. The Senate may, at times, decide to select such a person as a legitimate candidate. But only candidates approved by the Senate shall be listed on official ballots and be eligible to serve as Justices of the Supreme court.

Any present or past Senator is eligible to stand for election as a Justice, but, if serving, must resign his (or her) Senate seat a minimum of 90 days before an election.

The President shall have power of veto if a proposed candidate is regarded as unacceptable by the White House. It shall require a two-thirds majority vote of Senators to over-ride such a veto.

During each presidential term one Justice, not currently serving on the Supreme Court, shall be appointed by the President to serve as Chief Justice. This Justice must be confirmed by the Senate. If he or she serves no more than 8 years it would be possible for this Justice to seek election to the Court for one term.

In the case of death or incapacity and a Justice cannot complete his or her term in office, the President shall appoint a replacement Justice to serve until the next general election. This Justice does not need to be confirmed by the Senate. However, if 2/3rds of the Senate objects to this appointment the justice shall be removed from the Court, effective immediately upon a formal vote.

All reasonable effort shall be made to ensure that the Justices represent some approximation of the religious
and ethnic makeup of the population of the United States. The current Supreme Court, as of this writing, consists of no Protestants in a Protestant majority country, three Jews, five Catholics, and one nominal Anglican. This, in a nation with a Protestant majority and a Jewish minority of approximately 1 – 1/2 %.

This provision is not intended to require something approaching exact balance since that would be impossible anyway, but at least a semblance of equity. This principle extends to the educational and regional backgrounds of Justices, nearly all of whom are now graduates of Ivy League universities, with most born some place on the Eastern Seaboard. Such an unrepresentative Court is a disservice to the nation.

This Amendment supersedes previous relevant parts of the Constitution.

Explanation: The intention of this Amendment is to end the practice of keeping on the bench Justices who, by rights, should have retired years before. In effect, a de facto gerontocracy has characterized many past Courts, something that reasonable men and women have criticized as not serving the best interests of the nation. It is also the intention of this Amendment to allow Senators with the interest and expertise to seek to become Justices, something that might well be of great benefit to the United States.

### 3.2 Constitutional Interpretation

All matters brought before the Court shall be interpreted according to the intent of those who drafted the original Constitution and all subsequent Amendments. This means that no Judicial understanding of the Law shall fail to take this into full account. This intention can be determining through historical research – this is what the profession of history is supposed to do. Moreover, the substance of cases shall always be the most crucial concern of the Justices in making their decisions.

For the Constitution itself, this especially means evidence as found in the extant writings of James Madison and Alexander Hamilton, and John Jay, the authors of The Federalist Papers, but including Thomas Jefferson and various of the delegates to the Constitutional Convention of 1787 such as Roger Sherman, Gouverneur Morris, and Rufus King.

This Amendment allows for seeking meaning that current Judges or Justices cannot find in evidence of intent as left to posterity by the drafters, instead as may be identified in evidence of how contemporaries understood provisions of the Constitution or any of its Amendments.

Explanation: Original Intent shall not be taken to be strictly literal in all cases. Analogy may be an obvious necessity, the world of 1787 is very different than the world of 2011 or 2012 and will be different again in the future. Nonetheless, it is indefensible to stretch the meaning of either the Constitution or its Amendments beyond all reasonable original intent, a pattern in Court decisions for many years. Doing so makes a mockery of the purpose of both the Constitution itself and of the various Amendments.

As well, it is judicial malpractice to ignore the substance of cases. That is, in determining whether or not something is fair, for example, it is necessary to be certain that “fairness” is a legitimate consideration.

It has been inexcusable, for example, for the Justices to reply upon views of the APA, the American Psychiatric Association, to judge whether or not homosexuals deserve the same legal status as normal Americans. After all, Congress has held no relevant hearings to determine whether the APA is competent to make decisions on the mental health of homosexuals, and the professional standing of the organization is open to serious dispute because it has been under effective homosexual domination from some date in the 1970s to the present. In other words, the inmates have taken over the asylum yet the Court acts as if there is
nothing wrong.

This is crucial because the mentally sick are legally incompetent and by definition cannot have the same status as sane citizens. The only claim which the mentally ill can legitimately take before the courts is for appropriate medical help or psychological treatment. Yet as things now are, we have a class of mentally ill people making demands, often recognized by the judiciary, for special rights, on the specious grounds that they are an oppressed minority. They are no such thing, they are a population with grievous mental health problems.

Such a situation can only come to pass if the Court regards the Law as superior to all other considerations, which it manifestly is NOT. In the case of “rights,” we can safely conclude that the Founders had in mind sane persons who should have full citizenship rights, and ONLY sane people.

Virtually all the “greats” of the psychology professions in the past until the time of the homosexual capture of the APA, from Freud to Karen Horney, had shown that same-sex sexuality is pathological with any number of serious consequences. The 1973 decision of the APA to “demote” homosexuality from the status of a mental illness to a psychological disorder changed nothing of substance.

Further, research after 1973, from Masters and Johnson’s work of the late 1970s through to the studies of Dr Charles Socarides in the 1990s and Dr Paul Cameron and also the National Association for Research and Therapy of Homosexuality in the 21st century, have added to the preponderance of evidence which says that homosexuality is as pathological as it has ever been, that there is no basis to claims that it is genetic or otherwise is biologically predetermined, that it is, in all cases, originally a matter of choice—which can be reversed though various empirically tested therapies, such as those of Masters and Johnson.

Yet, and there are many other considerations, the Court in no case has ever considered the issue of homosexuality on the merits, such that, in repeated decisions, it has contributed greatly toward the manufacture of a mythology about homosexuality which is now regarded widely as empirically true. This is completely unacceptable.

This same principle applies in other areas, such as the legal status of computer technology, intellectual property rights, and so forth. Ironically, the Court itself has seen the need for judicial empirical research in the 1993 Daubert case which recommended independent research on the part of judges / justices as often necessary in order to adequately decide upon cases brought before the bench.

It may be that the Justices have little or no training in many areas outside of the Law, but this is no excuse to ignore substance in ANY case. The Justices have plenty of resources available to retain special researchers for specific cases, possibly, in part, by employment of graduate student interns, to accomplish the necessary research. As well, each Justice has his or her own clerks. Given the importance of original intent it would behoove each Justice to have at least one historian of American history as a clerk rather than all clerks being specialists in the Law only.

Finally, against the objection that some form of “living Constitution” interpretation is essential because we live in a changing world, there is a fallacy to point out: Many judges and Justices have used this theory to excuse flagrant legislating from the bench, which itself is unconstitutional by any reasonable definition of the term. As well, this Amendment presupposes that we also need revision in Article V of the Constitution, through a related Amendment to make it less difficult to add Amendments –not easy, just less difficult. But as it is, Article V exists for a reason. As our needs change we are free of add to the Constitution through deliberative democratic process. In other words, there is NO justification in the Constitution for legislating from the bench.
This Amendment is meant to correct all problems indicated and make it impossible for any similar problems to arise again.

3.3 Change in the Amendment process

An amendment is ratified when it is approved by states representing 3/4ths of the US population, but a minimum of half the states plus one, NOT by 3/4ths of states. This modifies Article V of the US Constitution. Future printings of the Constitution should include a note to this effect.

3.4 Constitutional Justification for New Laws

All measures considered for enactment into law shall have affixed one or more references to at least one clause in the US Constitution with is consistent with any proposed law. The Supreme Court will have the responsibility of reviewing the Constitutional references and, if a majority of the Justices take the view that a supportive clause has been wrongfully interpreted, it shall return the proposed measure to the Congress so that legislators may make appropriate revisions or table the proposed law.

3.5 Right of States to Rescind Federal Laws

It can happen that the Federal Government over-reaches its mandate from the people. When this occurs it is within the power of the states to correct the problem. A resolution of states representing three quarters of the population of the nation, but a minimum of half the states plus one, shall be sufficient to rescind any Federal law or regulation.

One class of exception is allowed: In time of declared war or declared national emergency the states shall not have this right.

3.6 Supreme Court Amendment-Recommendation Prerogative

In cases brought before the Court which any Justice believes cannot be decided to best effect under existing law or Constitutional provisions, that Justice, or any number of Justices, may convey to the Congress the opinion that an Amendment would serve the national interest.

Separate explanation(s) should be appended where necessary, so that elected officials can understand the reasoning for the recommendation. Congress shall have discretion about the future disposition of any such proposed Amendment although it is assumed that the Court would only make a recommendation of this nature if it seemed important and deserved ratification.

Explanation: The Warren Court’s decision in Brown v Board of Education, which effectively abolished “separate but equal” treatment of African-American citizens, was and still is regarded as just, fair, and essentially for the good. However, the Court, according to generally accepted accounts, took the view that the intentions of the Founding Fathers on the Constitution were not all that relevant to the situation as it existed
in the post WWII era. Hence the Warren Court took it upon itself to base its reasoning on contemporary social values and perceived social needs—the so-called “living Constitution” philosophy.

This viewpoint is unacceptable and opens the door to evils of every kind and renders the concept of Constitutional and legal precedence problematic. It also undermines the standing of the Constitution itself, by relegating it to status of a “period piece” document which can be disregarded almost at will, depending on anything from “the mood of the nation” at some point in history to judicial idiosyncrasies as may exist on the bench from one year to the next.

The Constitution, however, is not only the most crucial of our founding documents, unless this honor should be bestowed on the Declaration of Independence, but it is foundational to all subsequent American law and jurisprudence. Therefore, the intentions of the Founders, and also of the framers of later Amendments, must be consulted in arriving at decisions of Constitutionality. All such decisions should be consistent with original intent in this expanded sense — to include intent of Amendments.

Nonetheless, it may happen that unforeseen needs can arise which do, in fact, call for new Amendments, as happened in 1954. Which, it can reasonably be argued, fairly characterize the outcomes of a good number of subsequent cases which should not have been decided on grounds that stretched the meanings of the Constitution or its Amendments out of all recognition to original intent. With the privilege to recommend a new Amendment as circumstances warrant, the Court could then defer deciding on such cases until or unless a recommend Amendment is ratified and a determination made on solid Constitutional grounds which all citizens could respect.

3.7 Truthfulness in Court Decisions aka Roe v Wade Revisited

It shall be necessary for all cases tried before the Supreme Court, as well as any other Court, for no fraud or misrepresentation to exist in testimony of any litigants or their representatives. If any form of deception is shown, after a case has been decided, to have been given by any party who benefits from a decision in their favor, that decision will be thrown out.

Explanation: It is unknown how many cases have been decided in America’s courts of law based on false testimony, but the most notorious is the 1973 Roe v Wade decision where the primary plaintiffs later confessed to Carl Rowan, a reputable journalist, that they had pressed their case based on a series of fabrications. Clearly, had the Justices known at the time of their decision, the case would not have proceeded. Which is to say that the Roe v Wade outcome was a miscarriage of justice. Any cases, both in the future, and retroactively, which can be shown to have been based on false testimony shall be vacated and shall become null and void.

3.8 Federal Judges

The Supreme Court may, with due cause, remove from the bench and disbar any Federal Judge. Legal standing to bring charges against a sitting judge is hereby granted to any state or Federal legislator, state governor or state attorney general, or ranking official of the Department of Justice. A certifying bar association shall also have standing before the High Court when it seems necessary, in its judgement, to take action against a Judge who merits censure.

Federal Judges shall be reconfirmed after 6 years and may not serve more than 12 consecutive years in that
office, or more than 12 total years.

3.9 Judicial Vacancies

The process of filling judicial vacancies should be no more lengthy than necessary, which is to say, much faster than has hitherto often been true.

The President shall appoint judges to the Federal Courts of the United States by way of transmitting a nomination to the Senate. All judges thus appointed shall be citizens of the United States at the time of their appointment and shall not have been convicted of any felony or crime of moral turpitude. Any person thus appointed who, having ten years or more of law practice, shall assume this office unless a majority of the Senate objects in a floor vote. If the Senate fails to confirm the nomination, the candidate shall be rejected and a new nominee for the bench submitted within 14 calendar days.

The Senate has the responsibility of filling a minimum of 90% of all Federal judgeships within 120 days of the start of any session of Congress and any others within the next 30 days. The President has the duty to make nominations within 45 days. To avoid problems associated with rejected nominations, the Executive should have a list to draw upon, as needed, from among other qualified jurors as “standby” candidates.

This Amendment shall not apply to the Supreme Court, whose membership shall be determined through other means. Nor shall it apply to vacancies as they arise at other times during a Congress or administration.

Adapted from the site: Not A Potted Plant

3.10 Supreme Court Rules

(1) No referendum or state constitutional amendment, for any state, passed by the voters of that state, that is brought to the Court to seek its overturn on Constitutional grounds shall be declared as unconstitutional unless a minimum of 7 Justices out of 9 concur.

(2) All sitting justices who have previously voted to overturn voter approved state constitutional amendments shall hereby be retired from the Court on the grounds that such usurpation of the rights of states, such bad faith in the capability of drafters of state constitutional amendments, and such blatant contempt for the rights of voters in our American democracy, deserves nothing less.

(3) The House and Senate shall each be permitted to request the Court to hear the non-binding views of Justices on the Constitutionality of proposed legislation. The purpose shall be to do away with time consuming and costly litigation concerning controversial new laws. Each chamber shall be able to make 4 such requests each year at times of their choosing and the Justices shall comply within 30 days of the request.

(4) In no case shall the Court refer to foreign law of any kind in reaching decisions. This manifestly does not mean that any Justice is prohibited from study of foreign law but it does mean that the laws of other nations shall not be made use of for purposes of deciding American cases before the Court. One class of exception is allowed, when Justices concur by a minimum of 7 votes.
Section 1. The judicial power of the United States shall not extend rights or privileges provided to citizens by this Constitution to foreign enemies of the United States who fall under the military jurisdiction of the United States in time of war or military conflict; except as shall be agreed to by the United States under international treaty on the conduct of war.

Section 2. The judicial power of the courts established under Article III of this Constitution shall not be guided by any precedent or opinion by any court or tribunal established outside the United States; unless the United States, by two-thirds affirmative vote of the Senate, shall seek such an opinion.

Section 3. The fourteenth article of amendment to the Constitution of the United States shall not be construed to provide a benefit or emolument to foreign nationals who are found to be residing illegally within the United States or its territories.

### 3.11 Effects of Overturning Unconstitutional Laws

When a Federal law, or portion thereof, is declared unconstitutional by the Supreme Court, a Grand Jury shall be convened comprised of 7 citizen voters of the various states, to include at least one military officer and at three legislators of the states. The remaining Grand Jury members shall be selected by random lottery.

This Grand Jury shall review the passage of that law, or portion thereof, and shall determine if punishment is suitable to the law’s originators. The Grand Jury shall determine if any treason or high crimes were perpetrated by the author, co-sponsors, legislators, or executive. If punishment is deemed warranted, it may include removal from office, banning from office, or stripping of citizenship from those responsible.

This Amendment is not intended to punish lawmakers or others who have acted in good faith who simply sought better law but misunderstood Constitutional limits. Rather, it is intended to prohibit lawmakers from acting on the basis of questionable values or ideology. Intention of responsible parties must be established beyond reasonable doubt.

Follows an original suggestion by Rich Vail, but modified in various ways here.

### 3.12 Equality Under the Law

The economic worth of litigants before any court shall never give any party to any lawsuit advantage in determining the outcome of a trial.

Explanation: Inherent injustice cannot be allowed to exist within the legal system. That cases brought before the bench are often decided on the basis of who can afford the best attorney, or attorneys, rather than strictly upon the merits, is a travesty of the Law. Similarly, that bail is only available to people who have sufficient money to pay it, is also intrinsically unfair. Additionally, a citizen of modest means who is wronged by such actions as libel or slander perpetrated by someone who has significant financial resources, cannot seek redress under the current system unless pro bono representation might become available (which is always uncertain) because the legal system makes no provision for such contingencies. Which, of course, can result in defamation of character or other crimes for which the victim has no recourse. Therefore, Congress shall be given the responsibility of redesigning the legal system such that (1) all such problems will become impossible in the future, but (2) not in such a manner that lawyers are enriched in the process. This is not intended to increase the incomes of attorneys. That is, Congress shall devise a reliable system to devise cost-
effective solutions to problems outlined here, or similar problems, or problems of this kind of character which may arise in the future.

The recommendations by Congress shall be written in the form of a Constitutional Amendment, which, upon ratification, will become the “Equality Under the Law” Amendment, the comments written here included in the Explanation.

3.13 Speedy Trial in Fact, Not Legal Fiction

Proposed Amendment to the Constitution, June 8, 1789 submitted by James Madison

Exact wording of original proposed Amendment:

” In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, to be informed of the cause and nature of the accusation, to be confronted with his accusers, and the witnesses against him; to have a compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.”

Explanation: With the exception of cases for murder this shall mean an absolute limit of one-half year for all trials of any kind, and even this amount of time shall only be allowable in special cases of extreme complexity. No misdemeanor case shall go to trial later than 30 days from time of arrest. Provisions of this Amendment apply to US citizens only; treatment of non-citizens shall be at the discretion of the Court involved in any particular case. Suspected terrorists shall be treated as enemy combatants and be tried in military tribunals.

People in positions of authority have made it a point in public statements that when it comes to national security and the safety of American citizens, we must use actual facts in making decisions and not let ideology be a guide. Obviously the administration of Barack Hussein Obama has done the exact opposite in order to placate and appease Muslims. Hence another reason for this Amendment, so that no future president can willfully place ideology ahead of the legitimate safety and security interests of Americans.

Surveillance of any US citizen under suspicion by any government agency for any reason whatsoever, shall be treated as a case at law, should it be shown to have taken place over an extended period of time, in excess of 5 years and then only under extraordinary circumstances. Otherwise a limit of two years shall be regarded as the maximum allowable by law.

Should the government, at any level, continue such surveillance beyond these time limits without written consent of the Supreme Court, those responsible for the surveillance shall be liable to prosecution under the law.

The purpose of this provision is to make it clear to the government that it shall not use the powers of the state for political purposes, nor to deny due process to any citizen by an evasion which sidesteps what is otherwise a necessity, bringing charges, so that the accused has no recourse and may be denied reasonable opportunity in life to pursue happiness, including a career. This provision shall apply to all perpetrators retroactively, who may still be alive. Ex post facto considerations do not apply and are specifically rendered moot This is not intended to be generalized and is limited specifically to this provision of this Amendment.
“Surveillance,” in the preceding paragraph shall mean any form of intervention is a suspect’s life which has the effect of denial of due process and which, in fact, can be shown to be detrimental to his (or her) best interests including career interests.

Exemptions: Absence of the defendant shall result nullify trial date considerations at the discretion of the Court. A Judge may grant postponement of a trial due to unavailability of a necessary witness, or if a codefendant is guilty of prejudicial conduct. A defendant’s involvement in unrelated legal proceedings shall be sufficient grounds for delay of start of legal proceedings. Courts also have discretion to grant the prosecution a Continuance when “the interests of justice” demand it, although the reasons must be set down in writing and made available to the public unless issues of national security or public safety are at issue, but in such instances these written statement can only remain secret for a maximum of 5 years. Cases may be dismissed for pretrial irregularities only with consent of a superior court.

In the case of backlogs or other problems which inhibit the mandate for speedy trial, the responsibility for solving such problems rests with local or state authorities, it being presumed that this will not be an issue in Federal Courts inasmuch as Congress shall adequately fund the Judicial system and make other essential arrangement so that these kinds of issue do not arise. That is, all resources necessary for successful and speedy prosecution of cases must be provided by appropriate governmental agencies.

3.14 Limits on Legal Fees and Settlements

Excessive legal fees are unacceptable in a just society. The maximum fee allowable for attorney services should be 20% including “billable hours” but excluding extraordinary expenses when a presiding judge determines such expenses are necessary for a case before his (or her) bench. The goal should be an “average” maximum fee in the 15% range, with provision for 10% fees for people with limited means.

Explanation: Lawyers have every right to become wealthy but not through advantages of a monopolistic legal system that requires plaintiffs to pay very large sums of income or savings to obtain simple justice in order to continue to contribute to the real economy. Law should not be parasitical on the real economy.

Similarly, what is often called “tort reform” needs to be disposed of once and for all so that extreme financial awards cease to exist in court verdicts, including limiting the liability of conscientious medical professionals with no appreciable record of patient complaints or malpractice charges. Awards for punitive damages should always be reasonable and never exceed some fraction of a plaintiff’s estimated lifetime earnings. This principle should not be abused through subterfuges or technicalities.

In other words, a settlement for $5,000,000 when a plaintiff can only expect to earn $1 million in a lifetime is ridiculous, unjust, and absurd.

Each state shall be empowered to set punitive damage-award standards as it sees fit, in keeping with the spirit of this Amendment.

3.15 Incarceration costs

No Federal detention facility shall incur costs for prisoner maintenance which exceed the national poverty level. Exceptions may be made only for violent offenders, or those who represent a threat to national security, who need to be incarcerated in maximum security prisons.
Not included in this Amendment are expenditures which may be deemed necessary for medical treatment of prisoners, psychiatric care, or the like.

Explanation: It is completely unjustifiable to spend more money to incarcerate a convicted felon or other offender than law abiding citizens have access to but who live at or below the poverty line. According to most recent available statistics as of 2010, the poverty line stands at approximately $10,000. The average annual per prisoner incarceration expenditure in the United States is about $25,000 and in cases closer to $50,000. No justification exists to spend more public money on incarcerating criminals than many American citizens who are not law violators are able to earn.

The principle involved is not one of the virtue of frugality, although that is one consideration, but of triage. Society cannot save all people or underwrite all potentially useful plans. Choices have to be made and $25 million spent to keep a convicted murderer alive is $25 million less for public medical care, disaster relief, education for schoolkids, and so forth. What is the best use of limited resources? Spending millions to keep a violent criminal alive and in the process enrich various lawyers, or use it for obviously useful social programs?

The intent of this Amendment is not to promote unsanitary prison conditions or overcrowding or anything of the kind. Rather, it is to inspire law enforcement agencies to devise cost effective means to detain non-dangerous criminals. Claims of “cruel and unusual punishment” must not be interpreted by the Courts to nullify promising alternatives to penitentiary incarceration such as confinement to isolated islands, work camps in the wilderness, or tent accommodations. Indeed, ideally penitentiaries would eventually cease to exist for all convicted criminals except violent offenders and national security threats.

This Amendment presumes that there shall only be one allowable appeal to a fairly-arrived-at Court decision. When that one appeal has been decided upon, the case is closed and shall not be appealed again and, if disallowed, the sentence shall be carried out expeditiously.

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A Radical Centrist Vision for the Future

4. Elections, Voting, and Citizenship

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4.1 Electoral College Reform

To make it extremely difficult for a candidate who loses the popular vote to win election as President of the United States, one (1) electoral vote shall be added at-large for each state won by the candidate with the highest popular vote total. However, to preserve the original intention of the Founding Fathers, to give special recognition to the rights of states in our Federal system, the value of the Electoral College is hereby reaffirmed.

This Amendment modifies Article 2, Section 1, of the US Constitution.
Note: Provision for recounts for states in which the margin of victory is less than 1/4th of 1 percent is authorized by this Amendment but there shall be no national recount.

Comment: With an additional vote for each state won by the candidate with the most popular votes, the intention of this Amendment is to add to the standing of less populated states so that election campaigns do not focus nearly exclusively on large states.

### 4.2 Primary Elections

Section 1. By common consent and tradition, Iowa shall hold the first caucus, followed by the New Hampshire presidential primary, and primaries in South Carolina, Arizona alternating with Nevada, and Michigan. The Iowa caucus shall be held in mid January, the New Hampshire primary in late January, and the other early primary contests shall be held in mid February.

Florida shall hold its primary election one week later than either Arizona or Nevada.

In late February, one state, not to be repeated in this position until all other interested states are accommodated, shall hold its primary, similar to the example of Florida in 2008, which was a major contest that separated the remaining serious contenders for party nominations from the others.

After this, each party shall select, in consultation with the other major party, which states shall hold their caucuses or primaries, but such that no more than four are scheduled for any given week in the month of March. After that the parties, in consultation, will be free to decide on any arrangement that they prefer, such as all remaining caucuses and primaries on one Super-Tuesday in April, or anything else.

If any named state wishes to opt out of early primaries or a caucus, it is free to do so and the major political parties shall select one replacement, acting in consultation. In the case of a deadlock between the 2 major parties, the “minor” party with the 3rd highest votes from the previous general election will make the determination.

Section 2. For those states which require a majority outcome, the following procedure shall be made use of. When multiple candidates, that is, three or more, are listed on a primary ballot, voters shall have the option of casting a “second choice” vote in addition to a vote for the candidate they most prefer. When no candidate receives a simple majority, while all totals shall be recorded and made part of the public record, all candidates except the top two shall be eliminated and the second choice votes will be tabulated from the eliminated candidates and apportioned to the two leading contenders to determine the winner.

### 4.3 Campaign Finance for Federal Elections

Television expenditures shall be limited to a maximum allowable amount for any political party equal, in adjusted dollars, to the average spent by the two major parties in the election of 2000. The identity of the source of all contributions made to any candidate, political party, political action committee, or any other organization above $ 500 in constant dollars shall be made public within 48 hours and made available on a dedicated non-partisan website.

Explanation: No overall limit to the amount of money used for political campaigns is imposed, only the amount spent for television advertising. The intention is to promote creative use of political advertising
which, as much as possible, is informative in nature and educates voters to the issues and qualifications of candidates. The intention is also to “unclutter” the public airwaves from excessive political advertising during election campaigns.

This presumes that television will remain the most popular form of mass media in the United States. If, at some time in the future, another form of media obviously becomes more popular, the Congress, shall have the authority to reword this Amendment to reflect that fact.

Not covered by these restrictions are such possibilities as establishment of a non-partisan television channel dedicated to politics which focuses on elections and allows equal time to leading parties and candidates, as well as opposing sides to ballot referenda or anything similar, such as non-partisan election of judges. It is assumed that such a TV channel would provide broadcast time to third or minor parties and their candidates proportionately to their potential vote in current elections –as estimated by opinion polling firms of proven reliability during the previous four election cycles. One model for this is the bipartisan example of C-Span.

Also not covered is something like a dedicated website which provides equal page space to the leading political parties and candidates and special interest causes, with proportional page space to minor parties or candidates and to lesser known causes. One model for this is Real Clear Politics. This site might also be the place to turn to find campaign contribution information, updated every day during an election season and archived for reference by journalists or other researchers at will.

There is no restriction on expenditures for print media, book publication, newspaper advertising, radio, website development, movies, public lectures, travel for candidates, conferences, or anything else. However, local communities are within their rights to limit outdoor advertising, political rallies or parades, etc, at their discretion as long as no partisan favoritism is involved.

This Amendment does not in any way compromise standards now in place for local or state elections, such as, for example, the Clean Elections method in use in the state of Arizona and elsewhere. If anything, this Amendment is intended to encourage such developments.

### 4.4 Voting Standards

It is in the best interests of American citizens to cast their ballots on Election Day, that special occasion which most represents our democracy and democratic values.

Exceptions are only allowable for the following cases: Military personnel on active duty, who should be given ballots a minimum of 30 days prior to an election, but in any case with sufficient time for their votes to be counted within 24 hours of any Election Day Absentee ballots for the hospitalized or physically incapacitated verified by a medical doctor.

Felony criminals forfeit voting privileges in perpetuity.

The provisions of this Amendment apply to all elections for Federal office or, when applicable, for any national referenda.

The states have the right to establish any voting standards for state or local offices, or referenda, as they shall deem appropriate.

In the case of people who will not be within their voting district at the time of an election, it is their
responsibility to obtain a paper ballot from their district prior to departure. It is also the responsibility of local polling stations to provide a collection box to gather out-of-district / out-of-state ballots cast at that polling station by non-residents and send them, via express overnight mail, to the appropriate stations elsewhere where they can be verified and tabulated.

In the case of US citizens visiting foreign countries, it shall be the responsibility of American embassies or consulates to provide polling stations on each federally authorized Election Day, ballots to be sent via fastest available delivery system to the district of each citizen voting. Allowance for foreign customs and laws shall be made, such that embassies or consulates should open their polling stations ten full days prior to Election Day in the United States.

Voters shall have the option to ask for a paper ballot to cast their vote.

Voting booths with curtains to ensure privacy will be provided at all polling stations.

Electronic voting machines will be such that a hard copy print-out of each ballot cast will be collected, an additional copy made available to each voter at the time he or she votes if requested.

Recounts are hereby required in all elections where a candidate or referendum wins by less than 1/4th of one per-cent of total votes cast.

4.5 Instant Runoff Elections

Citizens should have the option to vote for more than one candidate in at least some elections because a system exists which solves a number of problems that have been endemic to American politics for many years. A rational way to vote for more than one candidate for an office has been known since 1871 when the Instant Runoff system was invented by William Robert Ware.

Also known as Maximum Majority Voting, or Preferential Voting, the Instant Runoff system eliminates forced choice options at the ballot box. It allows citizens to make as many choices as they may wish from among all candidates –from any political party. A ranking criteria is made use of in which a voter simply lists candidates in his or her order of preference, most favored at the top of the list, and down the line, or indicated with a number “1,” number 2, 3, etc.

If any candidate receives an outright majority he or she wins immediately. When no candidate receives a majority, the candidate with the lowest vote total is eliminated and the second choices of his or her voters are tallied. If this still does not produce a majority the process is repeated until a majority emerges. In each “round” the lowest vote-total candidate is dropped and the second choice of his or her voters is added to the vote totals of the remaining candidates.

This system is used, as of this writing, in Portland, Maine; San Francisco, California; Oakland, California; Minneapolis, Minnesota; and Saint Paul, Minnesota, and possibly other locations.

There is no such thing under this system as “wasting your vote.” If your most preferred candidate does not win an outright majority your second choice is counted, or the third, until one candidate receives a majority.

One-winner-take-all voting is based on the premise that only two candidates are on the ballot or that only two candidates really count. This traditional system only gives voters the option of a lesser of two evils choice, certainly all too often, while candidates whom voters might have real feelings for, but who have been
nominated by “third parties,” since they almost always have no chance to win, receive far fewer votes than they might deserve based on the merits.

Other advantages of Instant Runoff Voting / Maximum Majority Voting, as explained at Radical Centrism.org in an article by Ernie Prabhakar:

MMV ensures that the winning candidate is preferred by a majority of the voters over any other given alternative, no matter how many candidates are running.

MMV system allows voters to fully express their preferences among all the available candidates.

MMV also tends to discourage mudslinging in multi-candidate elections, since there is an incentive to have the other candidate’s supporters vote for you as second or third place.

MMV allows primary losers, third-parties, and other non-traditional candidates to run without fear of becoming spoilers, increasing the range of meaningful choices available to voters.

Thus, in contrast to traditional Plurality voting, MMV actually becomes more effective — rather than more polarized — with more candidates and greater citizen involvement. In the place of a splintered and disenfranchised electorate, it can actually help us find and elect candidates who reflect our underlying shared values.

Not all cities or other political jurisdiction may want to make use of this system but this Amendment allows its usage any place in the United States.

Prabhakar’s article is technical but describes the mathematical certainties which undergird the Instant Runoff system. The Wikipedia article about Instant Runoff elections explains the system in a popular style with examples of ballots illustrated so that this method of voting can be understood graphically.

### 4.6 Alternative Method of Adding Referenda to Ballots

Citizens shall have the option of using the Athenian democracy system, also known as the Boule system, for approving ballot initiatives. A Boule is a randomly selected citizen’s assembly of sufficiently large size to guarantee a representative cross section of community views, the optimal number usually thought of as approximately 480 persons.

The so-called “Oregon system” shall also be available, in which large scale petition drives are necessary to gather valid voter signatures in great numbers to qualify for a ballot, exact minimum numbers determined by the several states who allow such initiatives. However, there are disadvantages to note.

While the Oregon system ensures that a large scale public political cause will have ballot access, it also makes it difficult for under-funded citizens groups to qualify, while at the same time allowing well funded corporate or union causes to put referenda on ballots even when popular support would otherwise be minimal.

The Athenian system makes use of (1) the same principle which is universally employed in courts of law, the randomly selected jury method, and (2) statistical probability theory which is extensively used by reliable public opinion voter polling organizations in which response-randomness assures a representative cross section of public opinion that can be gauged without asking millions of people for their views.
An advantage of the Athenian system is that a Boule also acts as a screening method for identifying social causes which have considerable voter appeal, presumably for good reasons. As envisioned here, although experience may dictate some modification in the future, a Boule –citizens’ assembly– would meet every two years for a limited period of time, perhaps one weekend would suffice, to consider as many proposals for voter initiatives as responsible persons bring to it. One day would be used for purposes of discussion and debate, the next day for voting. This assumes that participants would have copies of all such proposals 30 days prior to meeting, which should be sufficient time for them to also receive briefs, pro and con, for each measure.

Members of the Boule would then deliberate among themselves and vote to include no more than 12 ballot initiatives for the forthcoming election. Members shall be provided with quality legal counsel by a minimum of three attorneys skilled in Constitutional law at both the state and Federal levels so that any possibility of voter approved but ultimately unconstitutional legislation or new law is minimized.

The Boule shall delegate responsibility to its leadership to transfer its recommendations to the state legislature and the governor’s office no later than the day following its meeting. The press and other news media shall also be informed at that time.

The state shall pay reasonable expenses for participation in a Boule, with a modest per diem stipend for transportation and personal needs, but nothing more beyond costs to rent a hall, operate computers, or print proposed initiatives or the like. Attorneys selected for a Boule should be chosen from a list of lawyers willing to serve pro bono. Law firms or agencies will be free to make public statements to the effect that their attorneys have served the peoples’ civic needs and are fully supportive of American “grass roots” democracy.

Inasmuch as Initiative and Referenda are state prerogatives, this Amendment is intended to provide legal standing for the Athenian democracy system by any and all states which see fit to adopt it. In the event of any future national referenda this Amendment also provides legal standing for such initiatives. No state or commonwealth shall be compelled by the Federal Government to adopt the Athenian system for adding ballot initiatives.

Note: For a full explanation of the Athenian system see Citizens’ “Athenian” Initiatives Amendment, online, sponsored by initiativesamendment.org.

### 4.7 Overturning of Elections Won Through Fraud

No election won through fraud or other illegal means shall be permitted to stand if the violation has been discovered before the next election. In the case of an office holder in a subsequent term during which a violation is discovered, he or she shall be removed from office immediately and the election results voided. In any such case a replacement for the office will be temporarily appointed by the governor of the state effected, or concerning the office of President, by act of Congress. A special election will be held within 90 days to fill the office in question.

Explanation: To put this is plain English, the 1972 election of Richard Nixon should not have been allowed to stand and there should have been a special election so that the public would have been allowed to elect an honest president. The principle involved applies to any felony crime committed during the course of an election campaign, broadly defined to refer to everything from closed door meetings to seek political support to the time when a candidate makes speeches and participates in public debates, to flagrant bribery, perjury,
4.8 Citizenship

Any child born in the United States is conferred citizenship automatically upon the condition that at least one parent shall already be a citizen and the other parent, if alive, shall be actively seeking citizenship, the requirements as defined by Congress. Children born in foreign countries where at least one parent is already an American citizen and the other, if alive, is actively seeking citizenship, shall be provisionally granted citizenship rights—to be conferred upon permanent residence within the United States. However, while it is the prerogative of foreign countries to recognize dual citizenship, the United States makes no provision for any such thing. De jure, the only citizenship which has standing under American law, within the nation, is US citizenship. This amendment shall nullify citizenship gained prior to ratification but will allow an appeals process, to be established by Congress, for persons in permanent residence within the United States.

4.9 Non-Citizens

Only American citizens are eligible to receive all rights and privileges guaranteed by the Constitution. Congress shall be responsible for enumerating rights of all classes of non-citizen residents of the United States, but not to include welfare in any form except services reasonable enough to provide for survival needs in case of physical emergency.

Explanation: Green Card legal aliens in the USA for reasons of work may become eligible for citizenship, but until the time they meet such requirements as spelled out by Congress, they are here for work purposes only and have no other claim on the United States. It is a privilege to be admitted into the country and they are granted this favor only for the specific purpose of working in occupations for which Congress deems there are labor shortages. Upon completion of a work contract, unless a new contract is entered into, each worker is required to return to his or her country of origin within 15 days. A Radical Centrist Vision for the Future
origin, gender, or the like. The government may not discriminate on such grounds, either. There shall be basic educational requirements with no allowance for cultural or sub-cultural factors such as language skills, or lack thereof, nor for not knowing basic facts about American history, government, appropriate law, etc., as determined by the House of Representatives.

5.2 Government Solvency

The Article III definition of Treason shall be expanded to also include Conspiracies to render the Government of the United States insolvent by the abusive assumption or issuance of knowingly unpayable debt. This shall mean that any and all economic theories which have the effect of increasing Federal debt levels beyond reason shall be regarded as grossly irresponsible and unacceptable in counsels of government. In terms of current theories as of 2011-2012, both Keynesian and laissez faire (so-called “Supply Side”) theories should have no standing in any discussions of the budget, or indebtedness, or related matters.

Debts incurred in bad faith constitute a Social-Contract-breaking crime under this Constitution and thus it is illegal for the Government of the People of the United States to honor such destructive disingenuous obligations. Because of international obligations which the nation has a moral responsibility to honor, current indebtedness shall be assumed but only with the proviso that repayments must be renegotiated such that the amount of debt service in the Federal Budget for any given year is less than 15% of the total.

This Amendment is intended to compel the Government to seek new economic theory which has genuine prospect of extricating the nation from its debt burdens and from then on keeping the Government solvent.

To expedite the purposes of this Amendment:

The Federal Reserve shall be subject to impartial audit annually, the results made available to the Congress, the Executive, and the press and other news media within 7 days of completion. This audit shall be conducted during a period of 30 days, the exact schedule to be determined by Congress through simple majority vote.

Article I Section 8 shall be amended from “To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;”

shall now read:

“To regulate Commerce with foreign Nations, and to encourage, ease and constructively facilitate in the most limited sense, Commerce among the several States, and with the Indian Tribes;”

This Amendment is derived from a recommendation by Vince Pak in October, 2010, entitled “Restoration of the Republic Amendment.” Some of his original wording has been used here, verbatim. But the original proposal is sometimes wildly radical– in a negative sense– and demands such things as abolition of the Federal Reserve and of the Amendments ratified in the early 20th century, except for number XIX, which otherwise the author regards as treasonous. That is, Pak is a hard core libertarian and a government minimalist. He also demands that the Federal Debt should be repudiated, an action that could only result is a national and global economic crisis. Much of what he said cannot be taken seriously.

HOWEVER, his point about the gross irresponsibility of government –by both major political parties– is well
taken, indeed. The point is conceded that such irresponsibility rises to the level of treason. This said, the libertarian economic remedy is irresponsible in its own right since the practical effect of unregulated capital is technology transfer which has thrown away many of America’s advantages in the economic marketplace for the sake of short term gain, massive off-shoring and flight of jobs to low-standard-of-living nations elsewhere, and which has jeopardized national security because many libertarians are essentially isolationist and often don’t particularly care about such things and primarily care about the bottom line. This Amendment seeks to address the legitimate grievances in Pak’s suggestion while eliminating everything in his proposal that is unjustifiable.

5.3 National Budget Deadline

Members of Congress shall forfeit their salary on a per diem basis for each day beyond expiration of the final day of any fiscal year that a National Budget is not passed. Congress may not vote in favor of a continuing resolution to defer passage of a budget, nor use any other means to postpone doing so. The only allowable exceptions are in case of national emergency in time of declared war—or real danger of threat of catastrophic economic collapse, such danger to be announced by the Secretary of the Treasury and the Chair of the Federal Reserve Board and confirmed by the President.

5.4 National Budget Restriction

No Social Security Trust Fund monies may be used to make up for shortfalls in the National Budget or otherwise be drawn upon for budgetary purposes unless agreement to this effect passes the House of Representatives by a 3/4ths majority.

5.5 Unfunded Mandates and Conditions on Spending

Congress shall not impose on any state or territory, or subdivisions thereof, any obligation or duty to make expenditures unless such costs are reimbursed in a reasonable time by the Federal Government. Exceptions are allowable only when passed by a 2/3rds majority vote in both Houses of Congress.

Furthermore, Congress shall not place any condition on monies received from the Federal Government which require a state, territory, or subdivision, to enact a law or regulation restricting the liberties of its citizens, especially in reference to the First Amendment, but including all other parts of the Constitution.

Originally suggested by David Block

5.6 Responsible National Budget

A two-thirds majority shall be necessary for any tax increase. Deficit legislation shall also require a two-thirds majority. Budgeting claims for any legislation shall be falsifiable such that estimated revenues or estimated expenditures can be objectively assessed by independent agencies outside of Government. All proposed legislation which cannot pass budget feasibility tests should be disallowed on principle. A
minimum of 25% any annual budget surplus shall be used to reduce the nation’s debt, with a
recommendation for a 50% minimum, until such time as the budget is in some approximation of balance.

Explanation: The objective of a balanced budget is the ideal sought by this Amendment, but with recognition
of the fact that such an outcome may not be possible - and may not be, more often than not. However, this
Amendment is intended to make it difficult, in extremis, for political partisans to make unsustainable claims
for bills that a majority party may enact despite unrealistic budgeting estimates which have the effect of
increasing the National Debt. All proposed legislation which cannot pass budget feasibility tests should be
disallowed on principle. By making super-majorities necessary for tax increases this Amendment also seeks
to create conditions of maximum Government responsibility with the people’s money.

5.7 Limits on Entitlements

All Entitlements shall be regarded as founded on the principle of insurance as it is found in the private sector.
All citizens who earn incomes shall pay into Entitlement programs as mandated by Congress, but only those
in actual need shall receive benefits. This works well for insurance companies and there are few complaints
based on principle, and there seldom are ethical problems with this system.

All Entitlements shall be means tested. Congress, with approval of the President, shall establish limits for
eligibility for each Entitlement program. But the principle is easy to understand. Millionaires do not need
entitlement resources, people with middle incomes do not need more than modest amounts, and those living
at or below the poverty line need entitlements the most because their survival depends upon such resources.

Congress shall establish limits, based on some form of sliding scale, by simple majority, but may change
these limits when new circumstances warrant it. The Supreme Court is hereby empowered to hear appeals to
these limits if plaintiffs of standing can make a compelling case that limits unfairly disadvantage classes of
people.

This is in no way intended to provide Entitlement benefits to the wealthy through stratagems which
circumvent the spirit of this Amendment. While it may be true that the wealthy also paid into the system they
also, as their abundance testifies, were especially well-rewarded by the system in the form of security
provided by the state, recourse to legal counsel that many others cannot afford, hence ability to take
advantage of opportunities unavailable to others, and through political influence which wealth confers, which
is also not usually available to those who have limited means.

It is unseemly for the rich to demand benefit when they have superfluous resources to pay for services which
the less fortunate must depend upon for survival. Means testing is the fairest way to distribute Entitlement
benefits, especially given the fact that the nation does not have access to unlimited resources and has the
responsibility to distribute benefits but without jeopardizing the solvency of the Federal budget.

5.8 With Wealth Comes Responsibility

Let us limit the conversation to the actually rich, millionaires and billionaires. Nearly all discussions on the
subject of higher tax rates for the wealthy miss an essential point. Yes, there is a valid argument about not
raising rates on $250,000 wage earners. But the well-off are not the actually wealthy.

Probably most people in the “well-off” category do invest in the private sector with the net result being more
jobs. While this is not true in every case, it is true enough. Also, no-one can fairly claim that the simply well-
off have much more political leverage than anyone else. For that you need to be wealthy.
Which is the point. The rich have public policy leverage, they not only vote in elections, they –in effect– control votes in the Congress, plus all 50 state houses. And it is because of the protections given them by government that they were able to get rich in the first place.

Take the same people and exile them to any third world country you can name and how rich would they now be?

In the USA, wealth buys access to political power which is simply unavailable to all others. The rich, in effect, have tens of thousands of votes each, if not hundreds of thousands of votes each, and wield political power accordingly. Not to account for this disparity in political leverage between the rich and everyone else is neither fair nor true to democratic principles.

It is impossible to claim that a millionaire or billionaire is equal in political power to John Q Public in Podunk or Pittsburgh. The rich make a major difference in, among other things, ensuring the continuation of disastrous free trade policies –which is mostly bi-partisan and supported for the same reason in each major party, the backing of the rich. After all, free trade benefits the rich more than all others, and essentially screws the rest of us.

Then we get to the rich who are part of defense and other massive industries. While it may be the fact that the products they produce are useful, the fact also is that they have leverage no-one else can dream about, namely, the power to persuade law makers to set things up in such a way that their industries are virtually guaranteed major markets.

In other words, the price the rich should pay for such access to power are the tax rates they should pay. Despite political rhetoric, the problem is not families who earn $ 250,000 –the issue concerns the mega-rich. The result of only modest tax rates for the ultra wealthy is increased national debt. Which neither major party has any inclination to remedy. Wall Street massively finances both parties and leading members of Congress fall madly in love with each millionaire or billionaire they meet, as does each and every president.

For these reasons an Amendment is needed which requires the super-rich to pay their fair share of the national tax burden. While a maximum rate of 25 % is low by international standards, it can be made fair by eliminating all (all) other ” tax breaks.” This includes investments in stocks and bonds, in real estate, in “financial instruments,” deductions, and so forth, exact details to be determined by a chastened Congress. The Congress must be chastened –exposed for what they have been for far too long, slaves to Big Money– before it can be trusted to do the right thing.

Furthermore, this Amendment dissolves and voids the “Citizens United” Supreme Court decision which asserted that a corporation has the same legal rights as a “person.” Such a viewpoint is an absurdity. Neither corporations nor labor unions nor any other organization can claim personhood status. The effect of that ruling was to further enhance the political power of the wealthy and that cannot be tolerated in a democracy.

Ratification of this Amendment will make this clear to the Court.

5.9 Limits on Regulations and Secrets

There shall be as few regulations enacted into law as possible so that businesses are not burdened with impediments to their success. Hereafter, all regulations passed into law in any given year shall, in total, not exceed the equivalent 250 pages. This refers to a normal size scholarly book set in 12 point Times New
It is the responsibility of Congress to edit regulations of the past, extending back 50 years from the date of ratification of this Amendment. The regulations for no past year shall exceed 250 pages. Congress shall have one 2 year period to accomplish this task.

Prior to deletion of any regulation the recommendation to void it shall be published for public comment and possible reconsideration.

There shall be as few official government secrets as possible. It shall be the responsibility of the Executive to organize a system to remove various documents from classification as “secret” to the extent that, by volume, all civilian secrets for any give year shall not exceed the equivalent of one 250 page book.

Civilian secrets of all past years shall likewise be limited to the equivalent of one 250 page book in total extent. This is required for all years extending back 50 years from the time of ratification of this Amendment.

Military secrets shall likewise be limited but only on recommendation of the Secretary of Defense in consultation with the Joint Chiefs of Staff and appropriate Intelligence agencies such as the CIA, FBI, NSA, and Homeland Security. Because of national security considerations as many as 1000 pages of military secrets may be maintained for each past year, with no limit on the current year, nor any limitation during the duration of a declared war nor for a period of 10 years following its conclusion. An extension for an additional decade may be granted, on condition of major reduction of the number of secrets, upon recommendation of the Joint Chiefs of Staff, heads of intelligence agencies, or the President.

5.10 Criminal and National Security Profiling

Law enforcement officers shall have the right to profile suspects for all crimes where hard statistical evidence indicates that one or more racial or ethnic or other population groups do, in fact, disproportionately commit the clear majority of crimes by specific category.

Furthermore, although there may be exceptions, various categories of crimes or threats to national security involve specific population groups of different kinds. The Federal Government is hereby empowered to profile members of any group determined to include a disproportionate number of likely criminals or security threats. States may wish to adopt such provisions for identical purposes. This Amendment requires common sense in setting at-risk standards and should exclude for screening purposes members of groups at low risk.

Explanation: It is absurd not to recognize the obvious, to use a contemporary example, the preponderance of Muslim males between the ages of 17 and 40 as most likely to pose security risks on airline flights. At the same time, low risk airline passengers do not merit intensive screening, for instance, mothers with young children, the elderly, and the infirm. This applies to other modes of transportation, it includes admission to specific venues unrelated to transit, and admission to employment in government agencies and, in any case, applies generally.

Moreover, as pointed out in a Daniel Huff article in The Daily Caller for December 11, 2010, particular groups are known to commit various types of crimes far more than other groups. For example, the 9th Circuit Court of Appeals, in a 1996 decision, made the assumption that all population groups are approximately equally likely to commit any type of crime by category, an assumption which is demonstrably false. For that Court to base its decision of faulty reasoning is inexcusable and places all law-abiding citizens at needless risk. After all, as observed in a Supreme Court opinion cited in the article, according to:
the most recent statistics of the United States Sentencing Commission….. [m]ore than 90% of the persons sentenced in 1994 for crack cocaine trafficking were black, 93.4% of convicted LSD dealers were white and 91% of those convicted for pornography or prostitution were white. Presumptions at war with presumably reliable statistics have no proper place in the analysis of this issue.”

This Amendment is necessary due to the prevalence of Political Correctness and Multi-Cultural ideology in halls of power in many places in America, to the extent that even the definitive views of the nation’s highest court are sometimes overlooked or ignored. As well, the mass media often seems to assume that its values take precedence over the values enshrined in American Law. Such flagrant disregard for Constitutional precedence cannot be allowed to stand.

As the article continued: “…in 2008, in the first post-9/11 case to address the issue, government lawyers argued that Arab ethnicity was relevant to establishing probable cause because “all of the persons who participated in the 9/11 terrorist attacks were Middle Eastern males.”

The district court disagreed, saying, “even assuming … that a large proportion of would-be anti-American terrorists are Arabs, the likelihood that any given airline passenger of Arab ethnicity is a terrorist is so negligible that Arab ethnicity has no probative value…”

“The error in that argument is that it is equally true of non-Arabs and non-Muslims, so why check anyone?” TSA’s costly, cumbersome security apparatus is predicated on the belief that terrorists are trying to infiltrate airports. Accordingly, the relevant statistic is not the probability that a random Muslim traveler is a terrorist, which is, of course, small. Rather, its what statisticians call the conditional probability: Given that a terrorist is attempting to penetrate airport security, what is the probability that he is Muslim? That figure is much higher.”

“Since the 9/11 attack that spawned TSA, most, if not all, attempted airplane bombings have been perpetrated by individuals claiming to act in the name of Islam. This result is consistent with the suspect profile provided by bin Laden, who characterized would-be bombers as “soldiers of Allah.”

Scanners or other technology cannot be the only answer, and in many cases may be almost useless. However, “the TSA cannot rely on religious profiling alone [ or any other single profiling factor ]. A passenger’s religion is not always obvious. Even… indicators like name and nationality might miss radicalized converts like shoe bomber Richard Reid who traveled under his English name. To account for such cases, profiling must be used in concert with existing screening protocols including random checks.”

It should be noted that in different circumstances in the past high risk population groups included Germans, Japanese, Cubans, Russians and East Europeans. In the future it may involve new population groups. The Government needs to have the ability to screen people from identified risk groups as circumstances require. Theories based on multi-cultural values, or the like, may be worthy in principle and may deserve to be discussed, but in no circumstances should ideological considerations compromise national security or impede the work of law enforcement officials, including border patrol agents, Coast Guard personnel, or immigration officials.

5.11 Immigration-Law Enforcement

When the Federal Government, in the judgement of leading elected officials of any state, is unwilling to fully enforce Federal laws which limit immigration, a state has the right to do so itself. Further, in the absence of full Federal enforcement of immigration laws, individual states have the right to pass laws of their own to
facilitate enforcement of Federal Law, or to enforce laws of their own which are similar to Federal Law and have the same purposes.

5.12 State Bills of Rights

Each state shall have the prerogative of enacting a Bill of Rights to specify rights and responsibilities for its permanent residents. Inasmuch as any state Bill of Rights is hereby sanctioned by an Amendment to the US Constitution it shall be “constitutional” with no possibility of challenge. in any Federal Court.

This Amendment presumes that no state legislature responsible for enacting a Bill of Rights shall approve of rights that contravene provisions of the extant Constitution or its Amendments. This being the case, no provisions of any state Bill of Rights may be overturned unless by a super majority in Congress of at least 2/3rds of all members of the Senate. This presumes that presently unanticipated additional Amendments to the nation’s Constitution in the future may require modification of state bills of rights even if, ideally, this will never happen.

Examples:

Workers and Employers Bill of Rights

Provisions which defend workers may include protection from termination only for “just cause,” viz, failure to perform job duties, but with right of appeal, and for such things as offensive lifestyle choices or blatant immorality. This limits cases to such things as gross obesity, illegal drug use, participation in illegal sexual activity, undisclosed medical condition which could jeopardize one’s safety or result in repeated absence from work.

Employers shall have the right to restrict hiring to people who agree to codes of conduct such as promise not to take part in dangerous past-times like hang gliding, or the like, or such things as not belonging to a subversive political group, such as being too old or too young for certain types of work, such as willingness to take part in company medical programs that require vaccinations or the like, and appearance –clothing choices, etc., — that is detrimental to the image which a company seeks to maintain for itself.

Other provisions may include the right of an employee to be promoted on the basis of merit whatever anyone else’s seniority may be, the right of an employee to safe workplace conditions, the right not to be asked to work in hazardous conditions such as in a storage freezer, unless such conditions are agreed to beforehand and compensated with extra pay. Tenants and Landlords Bills of Rights

Tenants may be protected from excessive late fees, for example, or withholding return of security deposits beyond seven days. Landlords may be protected from any tenant who signs a lease who has withheld or falsified necessary information, or from claims against abandoned property left on the premises after moving out which is later sought for return, beyond a reasonable time.

Consumer Bill of Rights

An excellent article on the subject can be found in the Wikipedia article on the subject. This dates back to the JFK administration when Kennedy spoke before Congress in 1962, advocating four such imperatives:

(1) The Right to Safety
The Right to Be Informed

The Right to Choose

The Right to Be Heard

Much has happened since that time, with other consumer rights proposed. What clearly is also needed is a counterpart set of rights for business owners, for example, not to be harassed by frivolous lawsuits or threat of such lawsuits. You would think that consumers also have responsibility for the behavior of their kids, or for dressing appropriately in a store, with management free to ask people wearing garments which could well harm business to leave.

Patient’s Bill of Rights

Following is a model of a special interest Bill of Rights. It has the virtues of clarity and brevity; it is free of legalese language. This is the:

Consumer Bill of Rights and Responsibilities published in 1998 by the US Advisory Commission on Consumer Protection and Quality in the Health Care Industry, popularly referred to as the “Patient’s Bill of Rights.”

This is the exact wording: The Patient’s Bill of Rights was created to try to reach 3 major goals:

1. To help patients feel confident in the US health care system; the Bill of Rights:
   Assures that the health care system is fair and it works to meet patients’ needs
   Gives patients a way to address any problems they may have
   Encourages patients to take an active role in staying or getting healthy

2. To stress the importance of a strong relationship between patients and their health care providers

3. To stress the key role patients play in staying healthy by laying out rights and responsibilities for all patients and health care providers

This Bill of Rights also applies to the insurance plans offered to federal employees. Many other health insurance plans and facilities have also adopted these values. Even Medicare and Medicaid stand by many of them.

The 8 key areas of the Patient’s Bill of Rights

Information for patients

You have the right to accurate and easily-understood information about your health plan, health care professionals, and health care facilities. If you speak another language, have a physical or mental disability, or just don’t understand something, help should be given so you can make informed health care decisions.

Choice of providers and plans

You have the right to choose health care providers who can give you high-quality health care when you need it.

Access to emergency services
If you have severe pain, an injury, or sudden illness that makes you believe that your health is in danger, you have the right to be screened and stabilized using emergency services. You should be able to use these services whenever and wherever you need them, without needing to wait for authorization and without any financial penalty.

**Taking part in treatment decisions**

You have the right to know your treatment options and take part in decisions about your care. Parents, guardians, family members, or others that you choose can speak for you if you cannot make your own decisions.

**Respect and non-discrimination**

You have a right to considerate, respectful care from your doctors, health plan representatives, and other health care providers that does not discriminate against you.

**Confidentiality (privacy) of health information**

You have the right to talk privately with health care providers and to have your health care information protected. You also have the right to read and copy your own medical record. You have the right to ask that your doctor change your record if it is not correct, relevant, or complete.

**Complaints and appeals**

You have the right to a fair, fast, and objective review of any complaint you have against your health plan, doctors, hospitals or other health care personnel. This includes complaints about waiting times, operating hours, the actions of health care personnel, and the adequacy of health care facilities.

**Additional considerations—**

The document goes on to say that patients need to take responsibility for their own health in various ways, such as good diet and exercise. As well, “patients are expected to do things like treat health care workers and other patients with respect, try to pay their medical bills, and follow the rules and benefits of their health plan coverage.” Further information can be obtained from the American Hospital Association.

Other categories and considerations:

Included might be, depending on the state, rights of property owners who live near international border areas, rights of boat owners and harbor authorities, rights of visitors to state parks, etc., as well as their responsibilities, and so forth. The purpose of such bills of rights must not be to inspire litigation, even if this may be a last-resort course of action, but to educate people to their responsibilities with respect to each other.
6. Foreign Policy and Foreign Relations

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6.1 Human Rights in Foreign Policy

The United States has the responsibility to promote democracy throughout the world. The mission of the United States is, through peaceful means, to bring democracy to all nations which are not democracies.

Explanation: Toward this end, priority in all foreign relations should always be shown to countries that have free and periodic elections in political systems that observe the provisions of the Universal Declaration of Human Rights of 1948, that safeguard the rights of legitimate religious, racial, and ethnic minorities, that uphold equal or equivalent rights of women, and that have some equivalent of free speech rights granted in the First Amendment to the US Constitution.

The United States shall regard any totalitarian state, including authoritarian theocracies which may feature emasculated parliaments, as enemy nations, although this does not need to mean war. What it does need to mean, at a minimum, is absence of normal trade relations and a boycott of all goods from such countries except for such items as Congress may exempt for national security reasons. This should also mean that the United States shall not enter into military alliances with such nations unless they take specific steps to democratize themselves in a reasonable period of time.

Conversely, the United States should stress the advantages to non-democratic foreign nations in becoming democratic because of the benefits this would confer on them. The objective is not conflict but conversion of non-democracies into democracies.

Either the United Nations should be reorganized such that the only full members allowed are democracies or the United States shall quit the organization and commence to create a new world body consisting of nothing but democracies. Obviously this must refer to substance; use of the word “democracy” or “republic,” or similar terms is not sufficient to make a state democratic.

Further, although this ought to be obvious, the United States shall not tolerate on its soil the presence of any agents of foreign governments which are hostile to America –especially any that can reasonably be classified as spies, but including all others except embassy staffs who do all of their work in embassy compounds. This amendment requires the US Government to break diplomatic relations with any nation found guilty of such activity for a period of no less than two years, or as many years as the Executive shall direct in excess of two years. The United States understands that nations which consider themselves our enemies may have counterpart sentiments and may impose similar penalties.

The provisions of this Amendment shall be carried out in no less than 2 years from date of ratification.

6.2 International Organizations

The United States shall not belong to any international organization in which states which are not fully functional democracies have equal voting rights and privileges as democracies. This includes the United Nations or any successor organization of similar character, it includes economic organizations, and it includes judicial organizations. It may include still other organizations at the discretion of the President during his (or her) term in office.
This Amendment does not exclude membership by non-democracies when such states only have observer status or probationary status when it has plans to democratize in the reasonable future. As well, military alliances must likewise be founded on the basis of shared commitment to democracy; however, in the event of war or other emergency which threatens the nation’s existence, military alliances with non-democratic states may be entered into for limited durations, renewable on a year to year basis, which includes agreement by relevant committees of the House and Senate, sworn to secrecy on pain of legal proceedings for treason brought against anyone who knowingly passes on highest possible secrecy classification information to others.

The definition of “democracy” shall not be arbitrary, nor related words such as “republic,” and shall include as vital characteristics the major features of American democracy while, at the same time, being broad enough to include parliamentary systems in which there is no higher authority than a leading elected official. That is, legislatures which are “rubber stamps” for monarchs or military dictators or unelected party chiefs or religious authorities or anything of similar nature, do not qualify as actual democracies.

Upon ratification of this Amendment the United States shall either quit any organization it belongs to which negative criteria described here apply, or have iron-clad assurances that non-democracies shall transition to democratic status in a period not to exceed five years. In cases where a holdout nation lags behind this time limitation, a waiver for no more than two years may be granted by the Congress for continued American participation upon a 2/3rds vote in both Houses.

6.3 Qualifications for Ambassadors

Any man or woman appointed to the post of Ambassador to a foreign country shall have fluency in that nation’s language and an appropriate professional background for the position. It is the also responsibility of the President to carefully choose as Ambassadors men or women who can best address, as the case may be, a foreign liberal or conservative, dictator or monarch, religious believer or non-believer.

No appointments shall be allowed which are made essentially on the basis of campaign contributions, service to a political party, or anything else which is extraneous to the purpose of representing the United States to best possible effect in its relationships with another country.

Explanation: Priority for the post of Ambassador shall be given to persons with foreign policy service, or who have considerable business experience overseas in the country in question, or who have educational concentrations in such areas as the history of that country, or its economy, or its social system and politics. In cases a former military officer might be the best choice, a former legislator, a former judge with experience in international law, or a professional of status with relevant experience in an NGO.

While nominations for positions of Ambassador shall always rest with the President. as a courtesy he (or possibly she) should be willing to take into consideration as many as one recommendation for an ambassadorial post from each Senator even if, as a practical matter, it is expected that only a limited number will actually be forwarded to his office. The purpose of this provision is to ensure that no highly qualified professional is overlooked and so that such people, at a minimum, receive well deserved recognition.

The only exceptions to the language requirement shall be for posts in English-speaking countries, or countries where English is nonetheless very common, such as the Philippines, India, Israel, Singapore, and Vatican State.
6.4 New States

From time to time, existing states in the American Union may need to be reorganized so that excessive political power does not accumulate in some one state of commonwealth.

Furthermore, American democracy is never limited to existing American states: It always presumes that new states may be added to the Union in the future. This may be accomplished in several ways and in some circumstances it should be a requirement. This Amendment describes the conditions that govern adding states to the nation.

Upper Population Percentage Limit When any state shall exceed 10% of the population of the United States it shall be divided into two states, with the option of the original state to divide itself into more than two states. After a census determines that a state has reached more than 10% of the national population it is the obligation of its legislature to make all necessary preparations for division into two (or more) new states. The actual division shall take place before the next census.

Conversely, even if it may be unrealistic to think this will happen any time in the foreseeable future, existing low population states may wish to merge with another state. This Amendment allows for such a contingency.

Place Names shall not be confusing New states may be called, for example, North California and South California, but, to cite a true case from history, southern California shall not be named New Colorado. This is not hypothetical, there once was a proposal to create a southern California state to be named “Colorado” even though, at the time, there was such a territorial designation. Originality in naming is not a requirement but is hereby encouraged, with preference for Native American place names. This provision also requires the state of Washington to choose a new name for itself within a period not to exceed 10 years.

Foreign Nations Seeking Statehood Foreign nations may petition for admission to the United States. Upon Congressional approval, a foreign nation shall be divided into territories, if the nation exceeds 10% of existing US population, as determined by its own legislature. Each territory shall be expected to comply with American Law within 2 years of admission as a territory, awaiting final approval for statehood. Conditions for admission as a state include any necessary reconstruction of the local economy such that it is compatible with the larger America economy, and likewise for the educational system, infrastructure, and, obviously, American Law and governance. It shall be understood that, while not all non-English speakers will be able to learn English within a given time period, that English shall be taught in the schools to all students, and that the media will set out on a program to educate the population to English.

After a period of not less than 10 years as a territory, sufficient for a territory to begin a thorough transition to American ways of doing things, and only upon Congressional review that this process is sufficiently advanced for the purpose, the House and Senate may vote to admit a former foreign-nation territory to statehood. Any decision of this kind shall be made territory by territory and on a case-by-case basis.

Any territory will retain that status for as long as it may take for Congress to be satisfied that it has met statehood admission requirements. It must be understood that once admitted to the Union as a state there is no turning back. America will defend any and all of its states as integral to the nation, but expects unswerving loyalty in return. It assumes complete willingness on the part of new residents seeking citizenship to become Americans in every feasible sense, especially in terms of patriotism.

Admission to the Union brings many benefits, hence the fact that the United States has consistently acted as a magnet for the foreign born for many generations. But such people must understand that they need to assimilate to America and must never think that they can retain any “old customs” which operate at cross purposes to America’s core values and essential ways of doing things.
Also assumed is that current American businesses will have complete freedom to open branches or offices or other operations in new territories, as shall businesses from those areas have freedom to operate within the United States proper. The Federal Government shall, as a matter of course, open offices and other facilities in new territories as it sees fit as necessary to expedite integration into the American system, and nation and shall enforce all American laws, and protect all rights for citizens as well as would-be citizens.

In granting admission to the Union on a provisional (territorial) basis to foreign nations, the Congress shall make every effort to maintain some approximation to the current population distribution in America. That is, should the Philippines and Taiwan and Micronesia seek statehood as some number of new states, a population of mostly Asians, balance should be sought by adding a population of European-descent, for example, admitting Russia as a number of new territories, admitting black nations like Liberia, Haiti, and Sierra Leone, and admitting Hispanic nations such as Panama and the Central American republics. Again, this is more than hypothetical since, in the 19th century, the republics of Central America did seek to be incorporated into the United States, and the various island of Micronesia, until well into the 1960s, also sought admission.

This set of examples is dramatic for a purpose, to illustrate a long term process. For any given year there may be no requests for admission to the Union and the most that may be expected might be a scenario such that Cyprus seeks admission one year, several years later it is Okinawa, and several years still later it is Costa Rico and Senegal.

Other Considerations Strategic thinking should guide the Congress in its decision making. This includes actively soliciting other nations to see if they might like to become part of the United States. On the short list surely would be Canada, Australia, New Zealand, Israel, and Greenland. Such strategic thought should, of course, include such things as unofficial exploratory meetings, necessary scholarly research, and consultation with opposition leaders in such foreign lands, not only with current holders of political power.

Unrealistic expectations should never be fueled, not should this plan be advertised as a panacea for anything. It is simply an option which offers the united State new choices in foreign relations. Even if the number of new territories is small, or even if it remains moot for many years, it adds a new dimension to American foreign policy.

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A Radical Centrist Vision for the Future

7. Economics, Trade and Business

7.1 Commerce Power Limitations

The power of Congress to pass laws which regulate Interstate Commerce, or commerce with foreign nations, shall not be construed to include any right to regulate or prohibit any legal activity which takes place only within a given state and which, in principle, only has direct effects within a state.
But Congress shall retain the power to regulate emissions or other forms of pollution which may “migrate” between states, with harmful effects elsewhere than their point of origin. Congress shall also have the authority to define and provide for punishments for offenses constituting acts of war, sedition, insurrection, or any similar criminality which may arise in the course of commerce of any kind, including crimes committed entirely within a state.

Explanation: This Amendment effectively overturns the Wickard v Fliburn decision of 1942 on which any number of later decisions which treat intrastate commerce as if it was interstate commerce were based. It leaves intact, at least in principle, Mulford v. Smith of 1939, in which the Supreme Court upheld tobacco quotas. That is, while a farmer may well raise several hundred bushels of wheat to feed livestock and should not be impeded for his resourcefulness, tobacco is a different kind of cash crop and no individual or family or livestock would reasonably consume the equivalent of several hundred bushels of burley.

This Amendment is also intended to encourage citizen entrepreneurship via such practices as barter exchanges, yard sales, bake sales, and hundreds of other small scale “economic” activities which, if the assessed value of goods or services does not exceed $5000 (in constant dollars) in annual real market value, per individual or family, shall not be factored into government accounting for taxation purposes. A secondary objective is to mitigate the sometimes over-reaching power of both the Federal Government with respect to micro-business and to mitigate the power of financial institutions over private lives and over local communities.

Thanks to David Block for considerable input about these matters. Adapted from Randy Barnett’s Bill of Federalism

### 7.2 Mortgages and Related Securities

Home and other real estate shall be financed through local banks and other lending institutions, or local branches of such facilities. Mortgages shall not be traded as derivatives or any similar financial instruments. Mortgages may be sold from one bank or other lending institution to another but only on condition that (1) the buyer of the “paper” is also located in the same state as the property in question, and (2) the home (or other property) owner shall be given a minimum notification of 90 days in which he or she may seek alternative financing and, at his or her discretion, change lending institutions without penalty. These rules apply even in the event of insolvency of the original or subsequent lenders. Mortgages shall always be administered within the state where the property purchase has been made. Out-of-state property purchasers must also observe these provisions and be present, in person, at all occasions when necessary legal or financial documents must be signed.

### 7.3 Limits on Interest Rates

Congress shall establish usury standards to limit the amount of interest that can be legally charged for deferred payment purchases of all kinds.

Explanation: The exact ceiling for interest rates should be determined after comprehensive debate in both chambers of Congress to produce easy to understand and administer legislation within one calendar year following ratification of this Amendment.
It is presumed that the discussion should begin with a 10% rate recommendation but with the understanding that after review of an agreed upon maximum the effects of that rate upon the US economy will be promptly reviewed and any necessary adjustments made, for example, if it is deemed important to set one rate level for certain categories of businesses, such as those in the import/export trade, and another for domestic consumers.

The purpose of this Amendment is to ensure that consumer purchasing power remains the backbone of the US economy and to curtail the excesses of the finance industry.

7.4 Labor Union Rights and Responsibilities

Unions shall have the right to organize in all businesses with more than 100 employees. Unions shall not, however, make unreasonable demands, nor shall workers who wish to remain independent from unions be compelled to join, that is, there shall be no “closed shops.” Union membership should be predicated on the advantages of belonging to such a group, not upon exclusion from employment unless one signs a union agreement.

The reasonableness of union demand shall be arbitrated by bi-partisan (or multi-partisan) committees which are selected by local courts in consultation with both labor and management. Such committees shall consist of professionals, including shop stewards or equivalents, who understand the needs of the business which is the subject of a labor dispute. The purpose of such committees is to ensure that neither the union nor the business involved are acting unreasonably, or more positively, that both are seeking the common good, including the good of the wider community of which they are a part.

Unions have the right to strike but, unless a court rules otherwise because of unique circumstances, this must be a three-stage process. That is, a legal strike shall consist of a one-day work stoppage followed by a minimum of 30 days return to work. This would tell management that employees are serious and have real grievances which ought to be given due consideration. The month long “grace period” is intended to allow management to resolve the issue behind the strike and for a union to revise its demands upon discussions with management. A business may wish to provide union leadership with information relevant to the dispute that make economic realities clear about limitations in its financing abilities, or to offer new ideas meant to resolve non-wage issues. Unions would need time to consider the offers of management.

Both parties to a dispute may agree to extend this 30 day period as many days as are desired for successful negotiations. However, if this process is unsuccessful, a union shall be authorized to carry out a work stoppage of one week. The only restriction is that such a stoppage shall not cause major difficulties for the business such that vital plant operations which should be continuous, for example, should not be interrupted even when most normal commerce is shut down.

Again, after a one week work stoppage, another 30 day minimum is required during which negotiations should take place to resolve the dispute. This 30 days may also be extended when both parties to it agree to do so. Only when these first two stages have not resolved the issue, shall a strike of indefinite duration be allowable by law.

Unions must be responsible in seeking changes in contracts. This means that it is not always feasible for businesses to offer the kinds of wage increases union members may desire, or offer other benefits asked for. But this Amendment seeks to resolve the issue of what is reasonable by means of appeal to bi-partisan committees charged with the responsibility of determining what is actually within reason for union demands.
Management may seek alternatives for some labor demands, and it is within the rights of business to make counter offers which, rather than acceding to all wage increase requests, might propose guarantees for job security, improved health care coverage, expanded maternal leave, flexible work scheduling, subsidized education, or the like. After all, at stake is quality of life and the first concern for any business must be staying competitive in the marketplace.

Unions, similarly, might come to understand that the better course of action than above cost-of-living wage increases which may well be unsustainable in any long run, is to seek new incentives for staying on the job and making a commitment to a company: For instance, periodic meetings of boards of directors in which union representatives are free to make criticisms and recommendations, options for part time work for family members, bonus pay for superlative job performance, and so forth.

This Amendment has, as an additional purpose, motivating all parties to labor disputes to find non-strike solutions, since work stoppages incur costs on everyone, business, labor, and the community. While it may well happen that management and labor become adversarial in outlook, it is far better when they can work in tandem for mutual advantage as members of a team.

Congress shall have the authority to exclude some businesses or occupations from union organizing for reasons of national security. In such cases the wages or other benefits due workers should be at levels similar to union compensation standards.

7.5 Employee Ownership Rights

All employees at businesses with more than 100 non-administrative personnel, shall have the right to own shares in the company and be encouraged to do so. This shall be the case whether or not a business has publicly traded stock. Companies shall have the freedom to decide how best to make stock available, whether in return for outstanding service, in lieu of bonuses, as part of stock option plans, or anything else.

Clearly, employees who own part of a business they work for have greater interest in the success of the firm, are more conscious of costs, are less tolerant of correctable problems, and are more willing to provide benefit of their ideas and experience to management. This can only benefit the US economy and communities throughout the nation. Congress shall reserve the right to establish minimum stock compensation levels, although the intention of this Amendment is that market logic will establish various business and industry standards.

Businesses shall have the right to buy back all stock when an employee quits or is terminated for cause. There is no guarantee that a business will succeed, after all, and stock values may fall as well as rise. This is the nature of the Capitalist system. For this reason public employees, in exchange for job security and other benefits, and also because of practical problems otherwise, are not eligible for stock compensation. This Amendment is meant as incentive for the private sector.

7.6 Right to Affordable Housing

Every U.S. citizen has the right to affordable housing. All construction companies engaged in interstate commerce which build multiple housing units or multiple occupancy residential developments shall provide some percentage of total new units which can be afforded for rent or sale to people with low incomes. The exact percentage shall be determined by local governments, that is, cities, townships, counties, or the like.
This percentage shall not be such that it imposes an unfair burden on construction companies. Moreover, local governments are hereby encouraged to create incentives for such companies in return for their co-operation, for example, through promotions that thank such firms, through transparent tax breaks, and so forth.

Local governments should make serious efforts toward achievement of the goal of affordable housing for U.S. citizens. This Amendment cannot compel such governments to do so and can only seek to influence this outcome. However, it is within the rights of the Federal Government to publish reports and otherwise provide information to the public about communities that are not seeking to achieve this worthy goal.

The Federal Government shall assume good faith on the part of local governments unless research studies or public complaints or news reports make it clear that the national goal of finding affordable housing is languishing in specific places.

It is not expected that this alone will solve the problem addressed by this Amendment but it should help.

Further, the Federal Government shall not be “in the business” of providing mortgage loans to unqualified home buyers and shall never engage in sub-prime loans or granting of similar forms of credit at any time for housing purposes. The Government shall dismantle the Federal National Mortgage Association, also known as Fannie Mae, and the Federal Home Loan Mortgage Corporation, otherwise known as Freddie Mac, in an orderly manner in not more than two years from ratification of this Amendment.

However, the following classes of potential home buyers are exempted from these provisions: Military Veterans, including members of the Coast Guard Former Peace Corps or VISTA volunteers who have completed at least four years of service School teachers who work in communities identified by the Department of Education as critical need areas or neighborhoods, presuming long term employment contracts Medical workers who work in critical need areas identified by the office of the Surgeon General, presuming long term employment contracts

For these people the Government is authorized to create a new Federal home loan program albeit one that is assumed to be substantially smaller in scope and assets than Fannie or Freddie.

As well, while there is strong caution saying that this right should be seldom used, the House of Representatives is authorized to add other exempt categories of possible home buyers.

What is expressly forbidden is adding whole demographics, either de jure or de facto, such as ethnic or racial populations, or overly broad groups, such as economic classes.

Additionally, this Amendment encourages Congress to enact legislation which does two things:

(1) solves affordable housing problems one at a time, with review provisions for rescission in case new laws have unintended consequences, and

(2) provides incentives for private industry toward the goals outlined here.

It is understood that the problem of finding affording housing for all citizens cannot be accomplished all at once. However, it is a reasonable goal to work on the problem year to year, reducing the magnitude of the issue with each new Congress.

Note: So that there is no misunderstanding, this Amendment simply follows a principle in use for many construction firms throughout the United States, namely, as a condition of a building permit, depending on a project, a developer must provide street lights or a short access road or the like. In other words, to use a
hypothetical example, if a developer builds 1000 new homes, possibly 10 %, must be affordable for the lower middle class. These need not be on the exact same site.

The Amendment says that government should never make loans to unqualified home buyers. and it expressly forbids any such thing.

Nothing at all says that housing for the less well off should be equal in worth to the homes of the affluent, only that such housing should be affordable.

The idea is not to provide free housing; the idea is to ensure that reasonable cost housing is available for those who qualify but only have modest means. This has become a serious and endemic problem in America, and could easily become a problem in the future again even if a temporary “fix” somehow materializes. This Amendment should also go far toward disposing of the problem of people with no place to live in towns where they work.

7.7 Financial Services

Congress shall have the responsibility to ensure that financial services never exceed in value 20 % of the total worth of the American economy. This means worth as measured by objective standards arrived at by independent experts or agencies –and verified through empirical means.

As a goal, a minimum of 50 % of Gross Domestic Product shall be earned in the real productive non-services economy, this target to be achieved in any legal ways open to the Congress.

Obviously this cannot happen before sufficient preparations over an extended period of time. Therefore, the Congress shall have 2 years to make such preparations and another two years for full implementation. This time table shall commence immediately upon ratification of this Amendment. During the first two years the Congress is expected to make serious progress toward creating a plan that can reasonably be expected to make the goals outlined in this Amendment feasible. America can no longer allow finance capital to squander the wealth, including human capital, of this country.

Finance Capital shall be regulated to the extent that common practices that led to the economic catastrophe that began in 2007 and resulted in massive problems in 2008 shall become impossible in the future. This necessarily must mean a complete end to obscene bonus payments to people who add no productive value to the economy. If this means that a significant number of people are discouraged from employment in financial services that would be all for the good. The rest of us do not need their greed-centered values, their willingness to risk the livelihoods and fortunes of everyone else, nor their general irresponsibility.

Laws should be enacted that make such conduct felony crimes. If retroactive, upon recommendation of the Congress, various executives and their partners in avarice could find themselves incarcerated in Federal penitentiaries. Such individuals, sometimes entire corporate offices, should, at a minimum, be prohibited for life from participation in the financial services sector in any capacity whatsoever. If they are humiliated in the process, so much the better. None of them are qualitatively morally superior to Bernie Madoff.

This Amendment has as its chief purpose ending a system in which the real economy is sacrificed to the interests of a class of wealthy sons-of-bitches who do not care for anyone except themselves, and who have no higher goal in life than amassing fortunes for no redeeming purposes.

If the exact numbers indicated here as economic goals are not completely practical, any solutions that move the country substantially in the direction of achieving these objectives, and which realistically can dethrone the finance capital aristocracy, would be acceptable as temporary expedients until such time as a completely
reconstructed financial system can be attained.

This Amendment authorizes Congress to pass all necessary legislation intended to reconstruct the American economy in such a way that its success does not require the dubious services of finance capital speculators, hedge fund managers, inside traders, or anyone whose life story compares, at any scale, with Michael Miliken, Ivan Boesky, Bernard Ebbers, John Thain, Jimmy Cayne, Hank Paulson, Robert Rubin, Dick Fuld, Douglas Poling, Walter Wriston, Jonathan Lieberg, Fabrice Tourre, Ken Lewis, Angelo Mozilo, Carl Icahn, or James Haas,

By no means is this list complete. This Amendment hereby authorizes any interested persons who so desire to compile their own lists of names of financial capital villains, and to publicize them for the common good. Missing from the list are names of women; this shortcoming ought to be rectified as soon as possible.

7.8 Protection of Economic Security, Trade Agreements and Corporate Policy

No trade agreements with foreign nations shall be entered into which allows another country to sell goods or services in American which does not permit the United States to sell equivalent goods or services there. No trade agreements shall be entered into with foreign nations which results in disadvantage to American workers in terms of rates of pay based on free market wage rates, occupational safety standards, or child labor considerations. And American economic policy should protect industries which are vital to our nation’s interests, especially with respect to military needs but including competitiveness at the corporate level.

Explanation: Time is long past due when the mythology of free trade should have been exposed as grossly misleading and an inadequate guide for US economic policy. For a variety of reasons free trade is intellectually unjustified but especially because key assumptions on which it is based are demonstrably false. There is no such thing as Absolute market self-interest optimization. Research makes it clear that markets always, usually sooner rather than later, become susceptible to a host of irrationalities, ranging from panics to bull-market stampedes. Moreover, even the best market information is imperfect and many decisions are based on at least partial ignorance which, in turn, skews market valuations. To mention just a few of the problems.

This manifestly does not say that Keynesian economic theory is the answer to all problems, that system is also tragically flawed, but in point of fact, laissez-faire free trade ideology often serves the interests of the United States poorly.

This Amendment requires the Congress and the Executive to renegotiate all trade treaties which violate the provisions in it. If foreign nations are not agreeable then existing treaties shall be nullified or allowed to expire. But in no case shall provisions of this Amendment be unenforced beyond a four year grace period.

Congress and the Executive shall have the responsibility to encourage development of new economic theory which can better guide policy decisions than existing alternatives Even if such new theory eventually arises independently of government our political leaders should seek to give recognition to new economic theory – any which do not evince the flaws of existing views. At such time as any new theory, adopted as a guide to official policy, becomes problematic, this process shall be repeated to find another workable new theory.

But the American people cannot accept any policy based on defective ideas that have allowed whole industries, like consumer electronics, to vanish from our country, that have allowed massive technology transfers which benefit other nations far more than short range profits benefit America, and that have resulted in the “hollowing out” of still other industries. Further, important aspects of current economic theory
obviously are wrong-minded when the outcome is export of millions of American jobs to other nations.

Congress and the Executive shall have the responsibility to identify necessary industries which have since disappeared from the United States and either act in concert with the private sector to buy back what we need to re-establish such industries, or underwrite the creation of replacement industries—with the objective of sale of all assets to private parties in no more than four years for any such industry.

None of this is intended to recommend anything remotely like a centrally planned economy; Soviet style economics has been discredited long ago. Rather, the goal is a reinvigorated private sector in which leadership in economics is primarily market centered. However, crucial economic thinking can also be found in educational institutions and various public venues and ought to be made effective use of in developing new policy alternatives founded on other assumptions besides “raw” free trade standards first devised by Adam Smith at the time of the American Revolution.

Yet Smith was right in an enduring sense in that he understood that business, if it is void of fundamental morality, in effect, devours its own children. This principle, the necessity of some form of business ethics, must be integral to any new economic theory, just as new theory must look to national interests before considerations of simple profit. The dogma of the primacy of profit is self-destructive. Profit must serve a goal higher than benefit to individuals with little or no thought to effects on whole communities.

The dogma of large scale pump-priming and deficit spending as a viable solution to fiscal crises is also dysfunctional and has had the effect of passing on a gigantic debt burden to future generations. This cannot be allowed to continue. Congress and the Executive shall assume the responsibility for correcting this problem—bringing it under control and well on the way to permanent solution—in no more than four years from ratification. The responsibility will continue in perpetuity to monitor the economy to make certain that, objectively, US policy ensures American leadership among the nations.

This Amendment is also intended to make offshore tax and other havens unavailable to US citizens and US corporations, and to close loopholes in the law whereby businesses (supposedly) operate from mail boxes in Delaware.

It should also disallow and prohibit any unfair advantages to foreign corporations doing business in the United States in competition with America companies. Congress and the Executive shall be empowered to correct such problems and should do so within four years from ratification of this Amendment and to review the status of the economy afterward at a minimum of four year intervals to make sure that similar problems do not arise again, or to make necessary changes if they do.

This Amendment shall also ensure that:

There shall be no hostile takeovers, or any similar actions, toward businesses which are deemed essential to the American economy

Technology transfer of any kind, by any business, must be approved by Congress and passed into specific law, signed by the President.

To ensure competitiveness in the international marketplace, as well as domestically, business tax rates shall be established and maintained at levels similar to those of America’s chief economic rivals.

Congress and the Executive shall have the responsibility to encourage development of new economic theory which can better guide policy decisions than existing alternatives. Even if such new theory eventually arises independently of government, our political leaders should seek to give recognition to new economic theory—any which do not evince the flaws of existing views. At such time as any new theory, adopted as a guide to
official policy, becomes problematic this process shall be repeated to find another workable new theory.

The American people cannot accept any policy based on defective ideas that have allowed whole industries, like consumer electronics, to vanish from our country, that have allowed massive technology transfers which benefit other nations far more than short range profits benefit America, and that have resulted in the “hollowing out” of still other industries. Further, important aspects of current economic theory obviously are wrong-minded when the outcome is export of millions of American jobs to other nations.

For these reasons there shall be no hostile takeovers of businesses which are deemed vital to the American economy. Anyone who purchases a business or who enters into a merger with a business, whether the purchaser is an individual person or a corporation, or which otherwise enters an agreement which results in new management or ownership, shall do so only on the understanding that a productive and profit-making company shall not be dismantled, “milked” for maximum profits, or in any other way hindered in its ability to operate effectively in the marketplace.

Hostile takeovers are only one issue which must be addressed. We face a whole range of problems which arise from faulty economic theory. Reference may be made to an article published in the New Yorker magazine for October 25, 2011, as a stand-in for a plethora of books and other articles which cannot be documented here. “Where is the New Keynes?,” by John Cassidy, points out that the economic crisis that emerged in 2007 and erupted into near-disaster in 2008, was the fault not only of the malfeasance of individuals or corporations, or malfeasance of government, but largely because economic theory allowed a host of dysfunctional practices to take place –with outcomes that were thought to be impossible– on the grounds that existing theory surely could not be wrong.

As we are painfully aware, neither the laissez faire theories that were most responsible for the mess were viable, nor were Keynesian remedies meant to ameliorate the massive recession nearly adequate to the problem, and hence they pretty much failed.

As Cassidy said, in identifying the first lesson to learn from the crisis:

1. **Finance matters.**

“This lesson might seem obvious to the man in the street, but many economists somehow managed to forget it.”

Indeed, many denied it until the roof fell in. Many of the sordid details documented in a book of 2008 by Kevin Phillips, Bad Money. But to return to Cassidy, the second lesson is likewise obvious in hindsight, namely:

2. **Credit busts are different from ordinary recessions.**

In fact, “debt overhang in the public and private sectors tends to produce “lost decades” in which entire national economies are traumatized and suffer lost productivity at massive scale, very high levels of unemployment, gargantuan new indebtedness that somehow must be paid for, and a large number of other ills.”

The third lesson concerns intellectual integrity and the penalties for lack of integrity:
3. Positive feedback and multiple equilibria have to be taken seriously.

“With the rise of rational expectations theory, the idea that financial markets and entire economies can spiral into bad outcomes…was relegated to a mathematical curiosity.”

Again the primary reason clearly was that economists and others were self-deluded because of politically expedient theories that “buttered their bread.” That both Smithian and Keynesian theories were approximately equally faulty excuses nothing.

Fourthly, neither Keynes nor Smith even thought about market irrationalities. But:

4. Especially in financial markets, self-regarding rational behavior isn’t necessarily socially optimal.

Human beings are many things and among them, they are herd animals, conformists, sometimes susceptible to wishful thinking or paranoid fears, and, in any case, must work with imperfect information no matter how hard they try for comprehensiveness and accuracy.

Fifth, there are such things as liquidity traps, that is, manipulation of money supply or interest rates or other such interventions, finally reach a point of diminishing returns and basically nothing happens, the system becomes unresponsive. As Cassidy phrased it:

5. Monetary policy doesn’t always work very well

Lastly, for this article, there is the fact that while ” Fiscal stimulus programs don’t provide a panacea for deep recessions,…the alternatives— do-nothing policies or austerity —are much worse. “

Few “official” economists seem able to learn even such simple lessons as these.

Cassidy was at pains to salvage as much as possible of Keynes’ theories, but this is not the point here. As David Block put it, maybe a better title question is “Where is the New Hayek?” Or where is the new Drucker or Schumpeter or Polanyi or Veblen?

We simply do not have the kind of economic theory we actually need. We do not have such theory because the political Right has made a fetish out of Adam Smith and the political Left has made a fetish out of Keynes. And so each side defends their hero with all available energy and makes no effort to seek genuine objectivity. Any such thing is beyond their ability to conceive.

What is objectively true is that continuing to follow either Keynes or Smith (or their latter day acolytes) is guaranteed to result in our eventual ruin. Or, at best, buying time until another mess develops which could turn out to be worse than 2008 – 2009 – 2010.

At least some measures can be taken now to correct obvious problems. Here are some of the measures this Amendment mandates:

* For all businesses deemed important to the American economy, the United States shall maintain manufacturing and sales capabilities within the boundaries of the nation. Inasmuch as some industries, like much of consumer electronics, now only exists at small scale in America, Government policy shall ensure that this industry is revived, as shall all others which should, by rights, be located in the country, such as shoes, refrigerators, or anything else.

If this requires some form of protectionist policy then that is what should be done. However, non-
protectionist policies ought to be preferred in all cases where it is feasible.

* Technology transfer must be kept to a minimum consistent with economic advantage and competitiveness, and because national economic security demands it. Moreover, military security may also make this imperative.

Violation of this provision shall be regarded as a serious felony crime. Any transfer of technology shall be offset with approximately equal value advantage gained by the United States from the country to whom technology is transferred.

* In cases of sales, for example of automobiles, imports of vehicles into the United States, shall be allowed only when the exporting nation allows a similar number of American-made cars to be imported into that country. This principle applies to all goods and products.

As a related example, if an American corporation or industry purchases a billion dollars of some product or type of goods from a nation, that nation shall purchase a similar amount from the United States if it wishes to continue to do business in the United States.

This may be offset. For example, goods of a certain kind purchased from the USA may only total $250 million, but other goods could make up the difference, for instance soybeans and sorghum in lieu of rye, or finished wood products in lieu of fabrics. The same principle applies to electronics, aircraft manufactures, or anything else.

* A demand for profit margins that are unrealistic for an industry, for example newspapers especially, since journalism provides a constitutionally vital function for the nation, shall not be tolerated and those making such demands shall be regarded as in violation of the Law.

Is there some reason why stockholders cannot be satisfied with a reasonable level of financial gain in an industry which provides a respected and necessary service in the life of the nation? Especially in the case of businesses that allow the possibility of social or cultural influence? But this principle applies to businesses that provide nutrition, education, or any other critical product or service.

In all cases this means export / import since not only may products be traded in the international marketplace, but also such things as overseas news bureau information services.

Therefore: Congress shall pass legislation that expedites the success of socially useful and necessary businesses that are not able to earn profits at the level of profit leaders. However, this provision is NOT intended to translate into handouts of money, at least not beyond such things as pilot programs to test ideas intended for a company’s future prospects, or the like. Priority is to provide such things as expedited access to Government sponsored research results, elimination of red tape, and so forth. In return it is expected that executives of such companies will not be awarded extravagant bonuses or unreasonable perks.

This Amendment requires the Congress and the Executive to renegotiate all trade treaties which violate the provisions in it. If foreign nations are not agreeable then existing treaties shall be nullified or allowed to expire. But in no case shall provisions of this Amendment be unenforced beyond a four year grace period, starting from the date of ratification of this Amendment.

But these are only some of the measures that this amendment is intended to inspire. With serious effort to
create new economic theory any number of additional actions would doubtless be conceived that deserve attention, testing, perfecting, and general implementation. The spirit in which this Amendment is written should guide others in such endeavors.

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A Radical Centrist Vision for the Future

8. Environment and Energy

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8.1 Protection and Renewal of the Environment

The Congress shall be required to pass at least one bill each two years which brings America closer to the goal of pure air, clean water, soil conservation, elimination of greenhouse gasses, safe water tables, and all similar things needed for the best possible natural environment. This requires belief in no particular theory or ecological model of the world. This Amendment simply says that all Americans deserve a clean environment free of pollution, and also deserve public policies that correct past mistakes — such that damaged land areas, compromised watersheds, smog locations, places of radiation contamination, and so forth, are restored and renewed.

Congress shall also demonstrate, in passage of each new law of this nature, that adequate research has been carried out to the effect that any changes in environmental science are understood and past errors of judgement are corrected. Funding for new environmental laws may be in the form of matching funds, tax breaks for states, or grants from the Federal Government, depending on circumstances.

Explanation: Consider the example of forest clear cutting, ordinarily a highly undesirable practice. It nonetheless can happen that sometimes we are confronted with alternatives each of which have negative consequences, yet something must be done.

If the terrible forest fires of 2002 taught us anything it is that a network of effective fire breaks are needed throughout America. Creation of these fire protection lanes would require clear-cutting of breaks perhaps 100 yards wide through timber lands, that extend for many miles, conceivably hundreds of miles in some instances. While no-one likes the idea, the point is that it is better than a new threat of massive forest fires that burn thousands of square miles of woodlands.

Environmental policy must be realistic and sometimes find satisfaction in outcomes that have costs we would prefer they did not have. But this should never mean is license for businesses to pursue exploitative practices. Government should try to accommodate economic interests — both for the sake of jobs and to supply resources needed by all Americans — but government does not exist to grant free rider advantages to private corporations. Natural resources belong to the several states and the nation as a whole and should be conserved or developed in all cases with due consideration for the good of the state or the country before everything else.

In exchange for being allowed to develop natural resources, businesses should be willing to concede to state governments and the Federal Government authority to establish contemporary rules that balance competing
interests, as opposed to many 19th century practices which favored business despite unfair advantages this conferred on mining companies, timber companies, and their financial backers often hundreds of miles distant in urban centers. Mineral rights, for example, should be sold or purchased at fair market value, not virtually given away as the result of political deals. Which is to say that a coherent and reasonable environmental policy should come into being through regular consultation about environmental legislation in Congress. The goal of such policy should be twofold, (1) safeguarding the environment and (2) providing as many jobs and resources as possible consistent with the need to protect the natural world.

8.2 Coal Extraction

Henceforth all strip mining for coal in mountainous or steep-slope hill lands is forbidden. This includes all forms of surface mining, including and especially the practice known as “mountaintop removal.” Those who carry out strip mining in mountainous areas, or the like, shall be regarded as felony criminals and be tried and convicted accordingly, and suffer debilitating penalties.

Coal strip mining is allowable in so-called “flat land” areas –presuming that there is minimal water table pollution or other such problems.

An orderly transition to elimination of coal strip mines is required by this Amendment such that dangerous rock overhangs, possible slumping of mine “spoil,” excessive erosion, chemicals contamination, and so forth, shall be corrected prior to termination of strip mine operations, but in no case for a period of longer than 30 days. However, immediately upon ratification of this Amendment, all use of explosives to extract coal in mountainous terrain is expressly outlawed as a felony crime.

This Amendment in no way limits deep–tunnel or long-wall– mining except insofar as such practices are regulated by state or federal agencies.

Given the enormous damages that coal strip mining has caused to the natural environment for many decades, there can be no excuse offered by any government agency, at any level, for not having plans ready for a transition to a non-strip-mine economy. There are numerous alternatives, especially tourism and recreation in scenic mountainous areas, as well as development of sites for private residences or vacation homes, and all should be exploited to the maximum extent consistent with sound environmental policy.

All appropriate government agencies at every level hereby have the responsibility to accumulate financial resources for the purpose of, as much as it can be done, restoring strip mine areas to some semblance of the original condition of the land, OR to some socially valuable use such as making sites available for public schools, for medical facilities, for experimental farms, for timber production, for commercial development, and the like.

8.3 Mineral Rights

The Federal Government and state governments are hereby authorized to re-purchase mineral rights for all lands deeded to commercial companies at any time in the history of the United States. These rights and lands shall be compensated for at the exact amount originally paid for these properties adjusted to current dollars.

This Amendment voids all ex post facto considerations that might otherwise apply and does so because of a record of persistent and flagrant abuses of the rights of surface owners, of the rights of communities, and
often also because of serious environmental damages during mineral extraction processes. While all companies are not culpable, such a large number are that this measure is needed and long overdue. However, reversal of ex post facto considerations in this amendment is not intended to be generalizable to anything else except insofar as specific Amendments do so for specific reasons based on the imperatives of justice.

Companies shall have the right to re-purchase such lands and mineral rights at fair market value as calculated at any time after ratification of this Amendment. If there have been major damages to surface owners the mineral owner shall indemnify the surface owner at current market value for any and all losses incurred, whether or not the company decides to re-purchase the mineral rights or lands. This shall extend to such things as watershed damage, in which case the government of the state shall be adequately compensated. Where entire communities have suffered loss, the Federal Government shall enforce binding arbitration between representatives of the community and the company. In cases where local lawlessness against businesses has been a factor this shall not be overlooked in negotiations.

Re-purchase may be from a state government, the Federal Government, or, where applicable, an Indian tribal government, depending on the particular property involved. Should a company resume operations everything possible shall be done to see to it that it is profitable, either through expeditious granting of necessary permits, or tax breaks, or anything else which serves this purpose.

Companies that have acted responsibly shall be rewarded appropriately as determined by state or local governments, or by the Federal Government or Indian tribe.

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**A Radical Centrist Vision for the Future**

**9. Education**

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### 9.1 Educational Objectives

It is vital to the national interest for all American citizens to receive high quality education which serves their life and career needs, and which contributes to the economic success of communities and industries. Moreover, the Founding Fathers took the view that for people to vote as responsible citizens in a democracy, education was essential in a range of areas, not only those areas which are directly relevant to one’s employment.

For this reason, an “All Essentials” Approach to Education shall be required for all public schools and all other schools which may receive Federal money for their operating costs or other services. Let us take for granted the fact that math is important in the modern world; if you don’t have at least basic competence in the subject there is no way to compete for decent jobs and you would be severely disadvantaged in your private life in innumerable ways.

Similarly, it is vital to know science, although probably we can agree that since no-one can master all the sciences, general understanding is sufficient and depth knowledge is only necessary in cases where a particular science must be mastered for one’s chosen profession.
This much is generally agreed on by the great majority of Americans. Unsaid, but inevitably assumed, is that computer literacy is also important. No-one has any difficulty in understanding this also. And periodically we are reminded that for the nation to be competitive in a global marketplace it is crucial to emphasize these areas of competency. But nothing else matters?

- It isn’t important to know American history so that voters can make informed choices concerning political claims about precedents and the examples set by distinguished political leaders of the past?
- It isn’t important to know European and world history in a global civilization?
- It isn’t important to know English language skills, including writing skills?
- It isn’t important to know at least one foreign language even if you don’t become fluent?
- It isn’t important to know the basics of the social sciences so that you can evaluate plans recommended by government officials?
- It isn’t important to know the basics of economics?
- It isn’t important to know the basics of marketing and advertising?
- It isn’t important to know the basics of sales and business?
- It isn’t important to know enough about psychology to have a good sense of human limitations and how to maximize your opportunities?
- It isn’t important to know basic principles of education, sufficient to know how to teach others, both your children and people you may need to train at work?
- It isn’t important to know basics of the Law?
- It isn’t important to know at least basic arts skills, enough, for example, to draw floor plans, or create readable signs, and the like?
- It isn’t important to know the basics of music, music history, and variety in music styles despite the high value that multitudes place on music?
- It isn’t important to know the basics of media of various kinds, from radio to TV and movies?
- It isn’t important to know the basics of world religions since we live in a pluralistic society?
- It isn’t important to know the Bible since so much of our shared culture follows from it?
- It isn’t important to know the ins and outs of real world politics?
- It isn’t important to know as much as possible about forecasting and conceptualizing the future? And the future, after all, is where all of us will spend the rest of our lives.
- It isn’t important to know the basics of medicine?
- It isn’t important to know the basics of military science?
- And maybe most significant of all: It isn’t important to know the basics of logic and philosophy so that you can reason effectively?

It must also be understood that the value of parental involvement in a child’s education is inestimable, either because a mother or father helps a child with homework, or because parents spend what they can afford on tutoring or supplemental studies, viz, art school, music classes, and the like. While not included in the scope of the Amendment directly it deserves to be pointed out because it is futile to expect genuine achievement in schools where parents do not provide such help to their children, which is inexcusable when the reason is their own gross ignorance or irresponsibility. That is, achievement is a reasonable and necessary goal but it is unrealistic when the home environment of children makes any such outcome uncertain or nearly impossible. Community programs intended to improve the schools and educational results need to be based on a sense of realism which is not obstructed by ideologies which do not take into account parental responsibilities.

Moreover, implicit in the categories of areas where education is important are such things as environment as part of science, and journalism either as part of English language or the blog side of “computers.”
An “all essentials” approach education is necessary for the whole person and for economic success. Excessive focus on math or science is detrimental to the interests of society no matter how important these fields of study may be. Education should have as its primary goal in a democracy, providing students with all the skills and knowledge they may need throughout lives that may well be unpredictable because we live in a world that is multi-dimensional and which always changes.

9.2 Bill of Rights and Responsibilities for Parents and Teachers

Rights and Responsibilities of Parents

Every child’s success in life can best be achieved through a partnership between parents and educators. Parents have certain rights and responsibilities. These include:

The right to a free public school education for their children in a safe and supportive learning environment from kindergarten until graduation from high school.

The right to have a child with a disability evaluated and, if found to be in need of special education, have it provided in an environment designed for the purpose which shall not impinge on educational needs of other children.

The right to have a child who is learning English as a second language receive. competent instruction.

The right to have their child learn in a safe and supportive learning environment, free of harassment, bigotry and discrimination based on actual or perceived age, race, creed, color, gender, religion, national origin, disability, or political beliefs.

The right to be given access to their child’s education records and any available information on educational programs and opportunities.

The right to written information regarding the grading criteria that will be used to evaluate their child’s academic performance and be assured of the confidentiality of their child’s records. As well, if a child transfers to another school, these records shall be sent to that school in a timely manner.

The right to communicate with teachers or other school staff concerning their child’s progress or any problems he or she may be having. As well, a parent has the right to visit their child’s school during times set aside for the purpose by the local school. This includes teacher – parent meetings sponsored by groups such as the PTA / PTO.

The right to be fully informed if a child is disciplined for any reason. This includes the right to file a written complaint if the parent feels the charge or the discipline is unjust. This is especially important if a child is expelled from school.

The right to have school staff make every reasonable attempt to ensure that parents receive important notices about school concerns, meetings, or the like.

ALL PARENTS ARE RESPONSIBLE FOR:

1. sending their child to school ready to learn.
2. ensuring that their child attends school regularly and arrives on time

3. being aware of their child’s work, progress, and problems by reading school notices, talking to their child about school, reviewing their child’s work and progress reports, and meeting with school staff.

4. maintaining verbal or written contact with their child’s teachers about the progress of their child’s education.

5. adhering to all school policies that pertain to their children’s education.

6. responding in a timely manner to communications from their child’s school.

7. attending all meetings and conferences requested by the school that pertain to their child.

8. entering the school building in a respectful manner, refraining from disruptive behavior and treating all members of the school community respect.

**PARENTS SHOULD ALSO:**

1. provide a supportive home setting where education is a priority.

2. reinforce the importance of acquiring the knowledge, skills and values needed to be a productive member of society.

3. question their child about school work, attendance, and behavior and discuss what is expected by the school.

4. teach their child to respect the property, safety, and rights of others and the importance of refraining from intimidating, harassing or discriminatory behavior.

Students should be taught the value of Freedom of Thought and independent-mindedness, thinking for yourself, to the extent this is advisable at various ages.

**Rights and Responsibilities of Teachers**

A teacher has the right to teach free from fear of frivolous lawsuits, including the right to qualified immunity and to a legal defense, and to indemnification by the employing school board in the case of unproven or unjust allegation.

A teacher has the right to appropriately discipline students in accordance with school rules and regulations, but never in a punitive or arbitrary way.

A teacher has the right to remove any persistently disruptive student from his or her classroom when the student’s behavior prevents the orderly instruction of other students or when the student displays impudent or defiant behavior.

A teacher has the right to have his or her professional judgment and discretion respected by school and district administrators in any disciplinary action taken by the teacher in accordance with school and district policy.

A teacher has the right to teach in a safe, secure, and orderly environment that is conducive to learning and
free from recognized dangers or hazards that may cause harm or that may undermine instruction. This
includes the right of any teacher to respect from students, usually not an issue, but which can be exactly that
in some schools. Blatant disrespect deserves expulsion from class or other disciplinary measures.

A teacher has the right to request the participation of parents in student disciplinary decisions. A teacher also
has the right to be free from excessively burdensome disciplinary paperwork.

Much of the wording for the Parents’ Rights section of this Amendment is taken directly from S.984 —
Parental Rights and Responsibilities Act of 1995, of the State of New York. However, the statements in this
Amendment are much shortened and have been carefully edited inasmuch as the New York measure is a
monument to redundancy, bureaucracy, and Political Correctness.

Much of the wording for the Teachers’ Rights section is cited verbatim from the TEACHER BILL OF
RIGHTS, R.S. 17:416.18, of the state of Louisiana.

Another document merits mention, “The Student Bill of Rights,” published by Engines for Education. Most
of the concerns discussed in that document are addressed in the “Educational Objectives” Amendment. By no
means are all of the recommendations in the Student Bill of Rights unobjectionable, however, even if the
overall effect is positive and helpful.

9.3 Academic Bill of Rights

All colleges and universities which receive money or other real world assets from the Federal Government
such institutions shall be expected to agree to the following code and ensure its enforcement:

(1) All faculty shall be hired, fired or promoted on the basis of their competence and appropriate knowledge
in the field of their expertise and, in the humanities, the social sciences, and the arts, with a view toward
fostering an understanding of more than one type of research method and actively seeking to learn as many
relevant perspectives as feasible in order to know a subject.

(2) Religious or political views protected by the US Constitution, as amended, shall be respected in classroom
instruction. Teachers are expected to correct factual errors made by students, and to challenge unscientific
theories, whether conspiratorial or anti-evolution or anything else, but honest expression of political- or
religion-derived views on the part of students must not be penalized.

(3) Curricula and reading lists in the humanities and social sciences should reflect the uncertainty and
unsettled character of human knowledge in these areas by providing students with dissenting sources and
viewpoints where appropriate. While teachers are and should be free to pursue their own findings and
perspectives in presenting their views, they should consider and make their students aware of other
viewpoints. Academic disciplines should welcome a diversity of approaches to unsettled questions. Exposing
students to the spectrum of significant scholarly viewpoints on the subjects examined in their courses is a
major responsibility of faculty.

(4) Faculty will not use their courses for the purpose of political, ideological, religious or anti-religious
indoctrination. This does not prohibit any teacher from expressing his or her positions on issues before a
class, but countervailing views should be made known. Criticisms of all views presented should, in any case,
include discussion of honest and thoughtful criticisms of those views.
(5) Selection of speakers, allocation of funds for speakers programs and similar student activities will observe the principles of academic freedom and promote intellectual pluralism. An environment conducive to the civil exchange of ideas being an essential component of a free university, the obstruction of invited campus speakers, destruction of campus literature, or other efforts to obstruct this exchange will not be tolerated. The administration of any college or university shall have the responsibility not only to ensure at least rough balance of viewpoints on the part of invited speakers, or speakers from within the institution for that matter, for example both Liberals and Conservatives with at least an occasional Independent, but to also enforce rules that prohibit disorderly conduct on the part of students and that might threaten the safety of guest lecturers or others.

(6) Knowledge advances when individual scholars are left free to reach their own conclusions about which methods, facts, and theories have been validated by research. Academic institutions and professional societies need to maintain the integrity of the research process, to further the circulation of research findings by scholars, and promote reasonable interpretations of such results even when more than one school of thought exists on what the best interpretation actually is. To perform these functions adequately, academic institutions and professional societies should maintain a posture of organizational neutrality with respect to the substantive disagreements among researchers.

(7) All institutions of higher learning which receive funding from the Federal Government must not use tenure in employment practices. Instead, a system of peer review and administrative review should determine which contracts are renewed, with no contracts allowable for more than a five year period or a five year renewal. There is no limit on the number of renewals stipulated in this Amendment, which should be determined by each college or university.

Note: This Amendment closely follows the document of the same name originally written by David Horowitz. As much as possible it makes use of his exact words, but there are several important modifications, including numbering, and especially with respect to abandonment of tenure. This custom is regarded here as unjustifiable, because rather than encourage free speech, it contributes to conformity in the long years required for a tenure award during which a faculty member is expected to think just like all other tenured faculty. As well, guaranteed employment may result in mediocre scholarship and teaching because such faculty are freed from any need to be competitive with respect to the achievements of their colleagues.

9.4 Electronic Rights for Students and Teachers

This Amendment is meant to provide principles to guide educational use of computers at all school levels. The basic rule is that electronic communities, to work well and for educational purposes, there needs to be genuine civility, respect for participants, and willingness to share ideas and information. This Amendment takes the view that student access to the electronic realm is an American right and that such “information resources” should not be denied to anyone in any school –except in cases of egregious abuse of this right, or gross irresponsibility.

Students of any age have the right, within an educational institution, to receive adequate training in electronic systems operation, in communications protocols, and access to specialized “tools” or software necessary for instructional purposes. Sometimes it may be reasonable to expect students to pay for such things on their own, but this is not always an option, as when highly specialized programs or equipment is necessary. Teachers need to be reasonable in their requests for what their students may need to purchase.

All students, or parents when considering younger students, deserve to “be informed about personal information that is being and has been collected about them, the right to review and correct that information,
and the right to control the distribution of that information beyond the expressed purpose of its collection.”

Freedom of speech is as much a constitutional right when taking part in an electronic group as it is in any other context in America.

All students, except for adult age people who enter into contracts otherwise, shall have “ownership rights over their own intellectual works.” It also is the responsibility of students and teachers and anyone else involved to respect the intellectual property rights of others.

It is up to students to do necessary research required for educational assignments. Students also have the responsibility, wherever possible, to verify information gained through electronic means –as well as other information.

Schools or educational institutions of any kind, have the responsibility to provide security measures to safeguard each computer in use from any abuses such as hacking by others, infection by malware, electronic snooping, or anything of this nature.

All information stored on computers used for educational purposes shall be treated as confidential except in cases where legal consent otherwise has been obtained. This does not mean that assignments required for course work, for example, can be withheld from a teacher, but this does prohibit unauthorized access and it distinguished between content stored on a personal computer, or equivalent, supplied by the student at his or her own expense, vs equipment owned by a school or other educational institution.

Instructional staff shall be fully competent to teach, or tutor, or “coach” their students.

Schools have the right to their own intellectual property, including data files and the like, and students are forbidden to access any such materials on penalty of Law, not counting penalties that an educational institution may impose at its discretion.

While this Amendment is intended as a guide and should not be departed from without good reason, it is expected that these rules will be customized to particular schools, to particular students, and to particular communities.

Teachers shall have counterpart rights as students vis-a-vis school administrations.

This Amendment follows and sometimes quotes from a paper entitled: “TLT Group Rights and Responsibilities of Individual and Institutional Members of the Community of Electronic Learners.” In turn, this document borrows from an EDUCOM document, The Bill of Rights and Responsibilities for Electronic Learners, produced by the American Association for Higher Education, date uncertain, but recent. Much in the TLT document is redundant and a good deal of “editing” was done with its content.
10.1 Right to Truth

American citizens have the right not to be lied to by politicians, the media, or any other leaders or institutions. Arbitrary—or calculated, or de facto —censorship of opinion by the media, falsifications of fact by politicians, or institutional misrepresentations, shall be regarded as serious offenses and be liable to prosecution by terms of this Amendment as “misdemeanor falsification.” Penalties are to be determined by the House of Representatives during the first year from date of ratification.

This is not intended to be punitive; it is intended to be a deterrent against effects of false information, of misleading the public on matters it needs truth to resolve in an optimal way, and against fostering myths and fables that do no-one any good. With misdemeanor punishment would come public exposure and with that would come self-inflicted injury to one’s reputation. This should be sufficient to achieve the desired outcome.

Included in “outcome” is the principle that consensus is no substitute for objective truth. That is, even a “sea change” in opinion generally may mean nothing if conclusions were reached based on faulty “information,” or on one or another form of dishonesty. This Amendment is intended to help make truthfulness normative in American society more than has often been the case in the past, by penalizing falsehoods. Showing indifference to public lying is dysfunctional to all of society.

Honest errors shall be protected by law in all cases where those concerned can show that they have carried out serious research or investigation to seek to verify their contentions.

What is said here essentially applies to public statements, including commercials and other forms of advertising. This Amendment can also apply to private statements when it can be shown that such comments have unfairly injured the reputations of individual citizens or non-governmental organizations, including religious groups. In deciding cases brought before the bar, due process shall always be observed. This specifically means that such practices as black-listing must be regarded as serious offenses subject to libel law or laws against slander.

Finally, any American citizen shall have the right to see his or her file on record with the Federal Bureau of Investigation, upon request, free of charge except for any minimum fees required for duplicating expenses, postage, or the like, but not to include “handling” fees.

To ensure that this right is not abused, limits will be observed as follows:

- Anyone with a record of a felony crime, excluding a request for information with respect to a current case and a defendant’s desire to prove innocence, will not have access to such files unless an attorney can show compelling cause.
- Requests may only be made one time per year, maximum.
- Anyone who can be shown beyond all reasonable doubt to belong to a subversive political or religious organization shall not have such access unless his or her legal counsel needs such information to prepare a defense in a court of law.
- Non-citizens and minors have no such right. Nor do the clinically insane.
- In the case of any on-going investigation for which there are reasonable fears for national security interests, NOT fears for political interests, where it is deemed that opening of files would jeopardize legal proceedings on the part of Government, anyone asking to see the file (or files) may be denied on condition that the information is provided within 30 days that, in fact, an investigation is current. No other explanation is necessary. However, under no circumstances may the FBI (or other relevant agency) deny such a request, for any separate investigation, for even one day beyond five years. This amount of time is entirely reasonable as a maximum necessary to prove a case against a possible offender. This provision explicitly denies the FBI a prerogative to “fold” an earlier change into a later
one, or other such subterfuge, for purposes of evading its responsibility to disclose information to citizens.

Files provided to a citizen should be complete, with no blacked-out lines or equivalent, including electronic equivalent, unless agreed to, in writing, by at least one Justice of the Supreme Court.

It is presumed that the FBI will automate requisite data bases for expedited distribution. It is further presumed that any such system will have safeguards in depth, so that no-one other than a requesting citizen can access his or her file. Obviously, the citizen assumes full responsibility for what happens to a file after he or she has received it. Delivery shall be via registered US mail, or in the case of electronic “documents,” via a secure system to be designed as soon as possible after ratification, but no later than one year from that date.

For purposes of this Amendment, not as precedent for any other class of considerations, corporations and non-governmental organizations and labor unions shall have the same right to FBI information as individual citizens.

10.2 Outlawing Subversive Political Organizations

The Communist Control Act of 1954, which outlaws membership in the Communist Party has never been enforced, or only enforced “on the margins,” where a small number of court cases have decided on specifics in the law, such as a New Jersey Superior Court ruling, also in 1954, that membership in an illegal political organization did not allow a member of the Communist Party to have his name appear on an election ballot. However in the 1973 Blawis v. Bolin case brought before a Circuit Court in Arizona the opposite was determined and Communists were to be allowed to participate in elections.

However, the Act itself, which was passed with widespread bipartisan support and was signed into law by Dwight D. Eisenhower, is hereby affirmed as valuable and necessary for America’s vital interests, on the face of it. Moreover, this Amendment takes the view that the basic principles in the Act should be applied to any political organization which actively seeks to subvert the US Constitution, especially but not limited to, advocacy of violent overthrow of the US Government.

Membership in such an organization is sufficient probable cause for legal proceedings.

America as a democracy should not be in the position of facilitating its own destruction. Allowing subversive political organizations which seek to undermine or play havoc with the Constitution is the equivalent of accepting national suicide, albeit in the name of the First Amendment, a purpose for which that Amendment was never intended.

Therefore, to use contemporary examples on the understanding that the principles presumed here should be applied to other political organizations in the future should circumstances arise, this Amendment outlaws:

The Communist Party USA or its front organizations, splinter groups, or any other Marxist-Leninist party or other organization with similar objectives.

This Amendment may also outlaw related Communist-inspired groups although the name “Communist” by itself is insufficient for the purpose and is sometimes misleading, particularly since Marxist-Leninists may use nomenclatures of convenience to disguise their intentions and ideology. However, a “Communist” group which openly and unequivocally repudiates all views that can reasonably be construed as anti-Constitutional, shall be permitted to continue its activities.
It is assumed that various notorious Communist heads-of-state shall also be repudiated in substance as well as name, especially Stalin, Mao Tse Tung, Pol Pot, Fidel Castro, Hugo Chavez, and Kim Il-Sung.

Also outlawed are all Nazi or neo-Nazi organizations which advocate policies which are antithetical to provisions of the US Constitution. Political groups which may promote ideas sometimes associated with Nazis are not prohibited on the condition that they repudiate Adolf Hitler, or never regarded Hitler as a worthy leader or inspiration, and as long as anti-Constitutional views have never been intrinsic to their principles or, where applicable, are repudiated totally and unequivocally.

Note: Some Anarchist political organizations are suspect groups and the Congress shall have the authority to apply this Amendment to any such organizations, by whatever name they are known, should circumstances warrant.

Caution: This is of the utmost seriousness inasmuch as First Amendment freedoms are sacrosanct to all Americans. Any decisions apropos to this Amendment should be such that they are made only after painstaking investigation and, where reasonable, benefit of doubt extended where doubt exists.

10.3 Elimination of the Category of “Hate Crimes”

What counts in all criminal actions is the actual crime itself. There shall be no distinction in court proceedings or sentencing with respect to a defendant’s motivation. A murder is no worse for being motivated by bigotry than a murder not motivated by bigotry.

Abolition of “Hate Crimes” as a legal category is necessary inasmuch as there is no foolproof way to decide what is bigotry in all cases, what is opportunism, or what is any other criminal motivation. Moreover, it is unmistakably the case that the political Left has abused political power repeatedly in recent history to demonize others whose legitimate social objective are not acceptable to those under the spell of neo-Marxist multi-culturalism. Some organizations, most notably the so-called Southern Poverty law Center, have classified as “hate groups” a range of perfectly law-abiding organizations which have legitimate grounds under the Constitution to take stands which the Left opposes. This is completely unacceptable, and, hereby, all organizations which unfairly publicize other groups under a “hate” category, shall be liable to criminal prosecution under libel and slander laws.

As well, there is no guarantee that in the future this kind of abuse will not be indulged in by partisans of the political Right or by still other groups with unfair vendettas against political opponents or the like. This Amendment is intended to eliminate unwarranted defamations that can cause injury to the reputations of organizations or institutions which have violated no laws.

However, when there is legitimate cause, for instance when a group has repeated criminal violations to its discredit, when its spokesmen or women are known associates of subversives, or when it unequivocally promotes racial hatred, anti-Semitism, or similar prejudices, it is entirely within bounds to identify such organizations to the public. What is not valid is demonizing any group which has a reasonable claim to being based on free speech principles even when some members do, indeed, espouse otherwise socially objectionable views. As well, nothing said here is intended to curtail the rights of individuals to categorize any group as they see fit as long as laws against libel or slander are respected.

Law enforcement agencies and information services may use the category “bias crimes” in reporting statistics of law breaking as long as such compilations are neutral in character, with genuine attempt at objectivity, and are not simply reflections of Left wing or Right wing or some other special-interest political beliefs.
Obviously, any organization may compile lists of groups which they oppose but may not do so if the effect is to unjustly stigmatize them and cause harm to their well-being.

10.4 Child Pornography

Courts have full discretion in prohibiting child pornography in reaching decisions. Legislatures at all levels have full discretion in prohibiting child pornography through enactment of laws and regulations.

To ensure that judicial decisions are not arbitrary, the reasoning of such verdicts shall be made explicit and published for the public interest. An appropriate Appeals Court shall have the authority to review possibly bias-based decisions of lower courts without complaints by a plaintiff or defendant and may throw out verdicts deemed without objective merit.

This does not preclude higher appeal, but it is assumed here that no judges would reverse a decision without conscientious review and that further appeal would ordinarily be pointless.

The principles and procedures outlined here only apply to child pornography cases and shall not be regarded as precedent for any other category of criminal conduct.

10.5 Social Costs and Benefits Accounting

All new laws enacted by the United States Congress shall include a researched estimate of expected social costs and benefits of the legislation. This addendum to each bill in intended to provide to Representatives or Senators, and others, a reliable guide to the expectations of the authors of legislation and help citizens evaluate their elected officials as objectively as possible. It should also tell future Congresses whether or not to repeal any laws which have fallen short of expectations, or whether to build upon successful laws in drafting new legislation.

Explanation: Social costs are those expenses to citizens which traditionally have seldom been factored into new laws. For example, laws which allowed for so-called broadform deeds, allowing minerals extraction companies to purchase vast underground coal deposits with unlimited access to these resources, were premised on the grounds that America needed fuel which could be recovered as economically as possible in order to effectively develop the nation’s industry. This proved to be true enough. But there were social costs of many kinds which befell land owners and whole communities that these laws never accounted for. Entire watersheds sometimes were polluted beyond restoration when these deeds were taken as approving surface mining, with the result being large scale health problems whose cost local communities and states became responsible for. Additionally, property values sometimes were severely impacted with resultant capital loss and diminished tax revenue, followed by secondary effects on education, county budgets, and social services.

While a working Representative or Senator may not have the time to draft such statements, given the fact that there are professional or professional level staffs assigned to each office holder, it is entirely feasible for such addenda to be prepared and attached to all relevant legislation.

10.6 Foresight in Government
No laws shall be passed without research concerning possible long-term effects of the proposed legislation. It shall be the responsibility of the relevant Congressional committees to make research findings available to members deliberating new law, prior to sending legislation to the floor of either the House or the Senate. Each new law shall have attached to it a set of informed opinions about intended outcomes and all forecasting evidence taken into account. This need not be elaborate, indeed, lengthy addenda are hereby discouraged, but such opinions should be substantive.

Explanation:

The purpose of this amendment is (1) to make deliberations about the effects of laws less partisan and more objective, and (2) to motivate Congress to make empirical forecasting intrinsic to governance because of its obvious value. Just as no-one sets out on a road trip without first checking weather forecasts, laws which effect all Americans and which often requisition public monies need to be examined in terms of best available projections of consequences.

It is assumed that some number of forecasts will not be accurate. Regardless, with forecasts on record it should become possible for all concerned to have better and better understanding of what methods work and which do not so that, in time, all members of Congress will develop a good sense of what policies have the best chance to achieve what Representatives or Senators actually intend.

### 10.7 English Language

English shall be the official language of the United States of America. English must be utilized for all Government documents and all other legally binding documents. This includes road signs for all Federal highways, signage at all Federally licensed airports, signage at ports, and at all other facilities underwritten with national revenues.

### 10.7 Elimination of Homosexuality from American Society

Homosexuality is a psychopatholgy which has damaging negative effects on society, on communities, on families of homosexuals, and upon homosexual themselves. This condition does no-one any good whatsoever and causes harm of many varieties, much of it extremely serious and some of it—in terms of abnormally high mortality rates for homosexuals—deadly. Therefore, homosexuality shall be recriminalized, as was true throughout the United States into the 1970s and well into the 1980s. It shall be illegal to promote or publicize such behavior, to seek its acceptance among any groups or individuals in the country, or to take part in any homosexual sexual conduct whatever its nature. All such violations shall be regarded as felony crimes, and certain classes of such crimes, such as seduction of children and homosexual rapes of others, shall be regarded as capital offenses.

The objective of this Amendment shall be to motivate homosexuals to commit themselves to radical programs of therapy which have shown proven high rates of success in eliminating homosexual desires from homosexuals, and which re-orient homosexuals to heterosexuality, so that, as soon as practicable, homosexuality is eliminated from American society.

Explanation: What has characterized public policy toward homosexuality throughout the 1990s and early 2000s can only be characterized as gross irresponsibility. Indeed, such irresponsibility was often the case in earlier decades. After all, in the years since the American Psychiatric Association took its first steps to
declassify homosexuality from what it actually is, a mental illness, and reclassify it as something else, there has not been as much as one (1) Congressional hearing to determine the competency of the APA to render judgement on homosexuality –despite the fact that by now a whole literature exists which makes it very clear that the APA was effectively taken over by pro-homosexual interests in 1972. In effect, while the story is complex and not always easy to follow, no later than the 1990s, to use popular idiom, “the inmates had taken over the asylum.”

Yet the Congress and all recent presidents have taken it for granted as unarguable that the APA has uttered the last word on the subject, and the Courts have done likewise, such that the only arguments regarded as germane by decision-makers of many kinds are legal arguments about supposed “Civil Rights” –as such rights may be said to apply to homosexuals. All of which has been absurd and, in a very real sense, horribly immoral –perhaps more accurately amoral, but exactly when a strong sense of morality was most needed.

The case against homosexuality can be summarized in these words to telling effect: Homosexuality is not only immoral, it is unhygienic, fosters anti-social (nihilistic) values, promotes a variety of criminal behaviors as part of the “lifestyle” it endorses, viz such as pedophilia and sado-masochism, and is directly correlated with just about every dysfunctional form of conduct anyone can think of, from drug abuse and alcoholism to violence against others.

Indeed, the correlation between homosexuality and criminal and more general pathological behaviors is so strong that the only reasonable conclusion to draw is that it is what the greats of psychology always said it was, a mental illness, and what it now is and has always been.

What changed things was the rise of homosexual activism by about 1970 and homosexual tactics of violence and intimidation that led to the capitulation of the APA. That is, to accept the rhetoric of today’s homosexuals and their political supporters at face value, you would need to repudiate the conclusions of Sigmund Freud in his classic Introductory Lectures in Psychoanalysis, the findings of his daughter (also a world class psychoanalyst) Anna Freud, of the leading expert on the subject well into recent times, Irving Bieber, plus Sandor Rado and many others including Erich Fromm, in his era a man of the political Left. To reject all this wisdom is not something any rational man or woman should be asked to do.

To return to the subject of incidence levels of homosexual vs homosexual violence, it should be noted that these levels utterly dwarf so-called “fag bashing” by orders of magnitude. According to recent statistics (reporting criteria vary in different studies) roughly 1000 to 3000 cases of the latter vs approximately 100,000 cases of the former -with one well known estimate produced by homosexuals themselves placing the “real” number of incidents of homosexual vs homosexual violence at between 250,000 and 1/2 million per year. As well, while no reliable statistics can be cited at this time, anecdotal evidence strongly suggests high rates of violence against heterosexuals on the part of homosexuals even if, for reasons of political expedience, these kinds of attacks are rarely documented.

Reference should be made to a 2005 study written by Dr Paul Cameron, “Violence and Homosexuality,” which shows conclusively that such practices as bondage, torture (including sexual torture), so-called “discipline” during which homosexuals use restraints such as chains to immobilize a partner for purposes of humiliation and inflicting physical punishment, whippings, and other similar behaviors are intrinsic to the “homosexual lifestyle” at rates which are unknown among heterosexuals, depending on the exact activity, at ratios as high as 7 or 8 to one. Further, homosexual violence is closely associated with murder, especially serial killing, to the extent that of the top 10 such murderers in US history no less than six were homosexuals (Jeffrey Dahmer, John Wayne Gacy, etc) and that in a study of 518 murders committed between 1966 and 1983 which were sexual in nature, some 68 % were carried out by homosexuals.

Further, homosexual violence often extends to children, or coercion, with the result being that sexual abuse of
the under-age is the greatest single predictor of adult homosexuality, although there are other factors of consequence.

Which is to say that causality for homosexuality can be any of several things, none of which are demonstrably genetic. Indeed, while the mass media in the 1990s widely publicized a number of much ballyhooed “scientific studies” which purported to demonstrate genetic causality, ALL such studies were subsequently disconfirmed by actual scientists –about which the mass media, with few exceptions, remained silent, therefore leaving intact the impression that false arguments favored by homosexuals and the political Left continued to circulate in popular culture.

Recent studies show the real possibility that another causal factor is chemical, especially mercury poisoning as a result of ground water contamination in many parts of the country (which seems to be true of other nations as well). Added to this is the long established fact that trauma suffered by a mother during pregnancy can be a contributing factor, as can effects on young children raised in a dysfunctional family, and so forth. In all these cases, while after-effects of mercury ingestion or of a mother’s trauma and even of childhood abuse, there is no 1:1 connection, there nonetheless are high degrees of probability, sufficient to conclude that all arguments to some other effect are utterly fallacious.

This also says is that there definitely are connections between these identifiable phenomena to homosexual pathology. For example, again depending on which statistics are used, a fourth or maybe a much higher fraction of victims of childhood abuse by homosexuals will, in fact, themselves become homosexuals. This also says that a majority of abuse victims have the inner resources to NOT become homosexual, but the linkages cannot be ignored. All of this has public policy consequences and all of which underscores the irresponsibility of elected officials and of the Courts, including the Supreme Court of the United States.

Because nearly all discussions on the issue are now framed in terms of legal rights, we now are confronted with an absurdity of massive proportions. This means that all programs either in schools or businesses or government which seek “equal rights” for the perverted are based, in part anyway, on the view that we should accommodate the effects of mercury poisoning instead of eliminating mercury pollution, —which is one predictor of homosexual condition— that we should accommodate the effects of maternal trauma, a medical condition, and not seek to treat that condition, that no-one need be overly concerned with childhood sexual abuse and let the effects of such criminality stand unchanged, and so forth, all of which, by any objective standards, is irresponsible in the extreme and immoral in the extreme also.

The reality is, contra the impression promoted relentlessly by the media and by pro-homosexuals in government and academia and elsewhere, homosexuality is closely associated with criminal behavior of many kinds, while in other instances it is linked with effects of medical conditions. Moreover, while homosexuality is a mental illness in its own right, it is associated with other forms of psychological disorder, especially substance abuse. Hard drug and alcoholism rates are higher than for the population at large, that is, for heterosexuals, by vast differences, orders of magnitude in some cases.

In sum, homosexuals are, by inclination, irresponsible in the extreme, prone to “ordinary” criminal acts at rates far higher than for heterosexuals, and, when organized, seek to subvert just about every normative value upon which any healthy society rests.

It is no accident that virtually all the major religions of the world condemn homosexuality as a grievous sin. This includes all traditional forms of Christian faith, Buddhism, Judaism, Hinduism, Zoroastrianism, Taoism, Confucianism, Shinto, the Baha’i Faith, and Islam. Although it is true that relentless pressures which now date back more than 30 years have caused some religious groups to make various accommodations to homosexuals, it also says that such believers have been tragically misled by an irresponsible mass media, an irresponsible public education system, irresponsible university faculties, an irresponsible Congress and
To be sure, this does not exonerate the so-called “Religious Right” from irresponsibility of its own. Its spokesmen and women, including some elected officials, have all along chosen, with only very few exceptions, to try and make their case exclusively on moralistic grounds based on presumed truths of Christian faith, or as the case may be, within Orthodox Jewish tradition. But America is a religiously pluralistic nation and, in matters of public policy, there is no privileged position for any one religion, or pairing of religions, specifically Judaism and Christianity.

Regardless, it means something important when the testimony of the vast majority of relevant sources for believers in the world’s major religions agree that homosexuality is incompatible with values necessary for a moral society based on mutual respect.

For the government to ignore this, for the mass media to also ignore this, and many or most educational systems likewise, is inexcusable. The case would seem to be compelling, that religious consensus, to speak about all tradition-based faiths rather than, to use modern metaphors, California Buddhism or post-Christian Christianity or Self-hating Jews and their version of Reform Judaism or Wendy Doniger’s distortions of Hinduism, etc., that otherwise there is no real dispute. And for good reason, namely the well-being of society based on centuries or millennia of hard won experience. Nearly all of which is in the process of being rejected because a majority of members of Congress and all members of the Courts, plus the current president, are lawyers, are mostly incapable of thinking of the substance of sexual issues, and put the priorities of the legal profession ahead of the well-being of their country. This is not acceptable.

Additionally, to the extent that some form of religious faith is vital to the well-being of any organized community or nation, then toleration of homosexuality is no different than acceptance of a population that, in essence, seeks the destruction of all normative religions -either outright, as among those who are self-avowedly “queer,” or indirectly via so-called “transformation” of theologies or values by well-meaning dupes.

Nor is it acceptable for Americans in positions of power in government, or educators, or journalists protected by specific provisions of the First Amendment, to relegate to insignificance the values of the Founding Fathers and of American women of that time. Thomas Jefferson, it should be noted, wrote the Virginia Law that classified sodomy (the word “homosexuality” was not known in that era) as a serious felony crime, and it should also be noted that George Washington, while general at Valley Forge, directly oversaw the dishonorable discharge of the first American soldier convicted of homosexual conduct. It might be considered that Washington and Jefferson, who were living embodiments of the Enlightenment were, in fact, just that, and that various people of the early part of the 21st century who claim that legacy actually seek to destroy this heritage and replace it with Nihilism.

There are, as well, deleterious effects upon everyone else because of widespread toleration of homosexuality in the United states and because of political leverage which various homosexual pressure groups have gained for their causes.

Think of what toleration encourages, among other things, as David Horowitz pointed out in his 1998 book, The Politics of Bad Faith, spread of epidemic diseases like Hepatitis B, herpes, amoebiasis, etc, and, of course, AIDS, due to anti-public heath values of the “gay community” and made into law (or non-enforcement of law) due to pro-homosexual political leaders. AIDS, as of a decade ago, had claimed close to 500,000 lives, nearly all of that number preventable, because the CDC, the Centers for Disease Control, caved in to homosexuals or their allies.

We might also think of things in terms of a neo-Freudian theory of anal-fixation, or anal-infantilism, as a
major source of the phenomenon of male homosexuality. To say the least, rectal sex is a major component of male homosexuality with various studies estimating incidence levels in the 40% range, some lower, some significantly higher. And just what does anyone think happens when anal-fixated homosexuals create values for the rest of the population via movies, TV shows, popular songs, rap “music” lyrics, and everything else? Nothing happens? Any such outcome is impossible unless the view is taken that advertising has no effects, or publicity, or public relations. In other words, there are serious bad effects on a daily basis throughout American society. To think anything else, that what homosexuals do in privacy is inconsequential, when their privacy involves sex play featuring an anus, or more than one anus, along with fecal matter and sex play with feces, would be irrational. Those private values inevitably migrate elsewhere—such as into a child’s mind who has a homosexual teacher.

All of which may be ugly to think about, and extremely offensive, but unless such things are given due consideration the reality of homosexuality will not be seen for what it is and a serious mental illness will continue to be treated AS IF it was a matter of “rights.”

The libertarian argument about individual privacy fails even basic tests of credibility in such areas. Briefly, conspiracies are hatched in privacy by definition, yet government has obvious legitimate rights to know, which the law recognizes. The same is true for any other crime committed in privacy, such as violent misconduct. A very similar principle applies to the case of perverted sexual behavior. (The word “pervert,” to designate homosexuals is a Freudian usage) Whether or not it takes place behind closed doors is irrelevant if it is damaging and incurs costs for others. That courts have decided otherwise because of doctrinal libertarian interpretation of the Law, which is, first, unfair to libertarians of conscience, and secondly is, in a word, sick.

Acceptance of homosexuality AS IF it was a legitimate Civil Rights cause for which the Courts should provide legal defense on behalf of homosexuals also is anti-science in essence. Such actions by the Courts have the effect of discrediting research findings by reputable scientific organizations, or individuals with requisite scientific (including the behavioral sciences) background and extolling the biased findings of pro-homosexual organizations which habitually produce “bad science” featuring self-serving propaganda AS IF it has objective merit.

The many empirical studies produced by NARTH, the National Association of Research and Therapy of Homosexuality, are ignored by approximately all decision makers in government, in the law, in education, and in the mass media.

Similarly, the extensive work done by Dr Judith Reisman is overlooked despite her world class credentials and publications record, including a co-authored 1990 book, Kinsey, Sex and Fraud, which exposed unprecedented falsification of data on the part of Alfred Kinsey and, subsequently by The Kinsey Institute for research in Sex, Gender, and Reproduction at the University of Indiana.

About which one comment is in order here, namely, the fact that unwillingness on the part of journalists at the time of the (in-)famous Kinsey Reports led to the outcome that the American public was grossly misled about incidence rates of homosexuality in the United States, with distorted statistics becoming integral to probably all future discussions of homosexuality and bisexuality, preparing the ground for later acceptance of sexual perversions in public (which is also to say political) opinion. For the record, while Kinsey claimed that the rate was approximately 10%, University of Chicago studies of the early 1990s, based on strictly applied research standards, demonstrated that the true figure was in the 3% range, with other research indicating that the number had been lower in the past, hence to the effect that increased acceptance had opened to door to homosexual recruitment, much of which, clearly, was among the young.

Also ignored, largely because of the AIDS epidemic which began in the 1980s, homosexuals began to argue
the exact opposite of their previous position, which was based entirely on “free choice” argument such that homosexuality was said to be a superior choice for some percentage of the population and that pathologies associated with this form of sexuality could be disregarded because of the “pleasures” of this “lifestyle.” However, it is worth pointing out that William Masters and Virginia Johnson published a 1979 book entitled Homosexuality in Perspective, based on years of research at their sex institute that showed conclusively that homosexuality was a treatable pathology with cure rates in the 60 % to 70 % range with known therapies then available. Needless to say, the reputation of Masters and Johnson was the opposite of anything remotely Right-wing. Yet, because homosexuals and their political allies, such as William Clinton, did not want the Masters and Johnson findings to be a consideration, effectively the book was squelched in the media, with Congressmen and Senators none the wiser.

To repeat, there was nothing which prohibited conservative political leaders from doing the necessary research and making an issue out of such things, but the influence of William Buckley, who had many homosexual friends, acted to snuff out interest in such research, and, besides, most people who framed the issue in terms of morality were squeamish in extremis about the subject matter and, anyway, were more interested in economic policy or foreign relations or still other subjects, and it saved everyone huge embarrassment by avoiding the issue altogether.

Regardless, the fact is that a wealth of hard research was unjustifiably ignored by decision makers, including the following books:

1. Charles Socarides, Homosexuality -A Freedom Too Far, which is essential reading for anyone who has policy level responsibilities, and is, simply, the best available text on the issue to date, readable by almost anyone. 1995.
2. Reubin Fine, Psychoanalytic Theory of Male and Female Homosexuality
3. Karen Horney (pronounced Hor-Nay), Essays in Psychoanalysis, a classic study which points out the many indicators of pathology among homosexuals.

To summarize–

- The entire homosexual rights movement is based on false premises. The assumption is that the 1973 decision of the APA (American Psychiatric Association) to declassify homosexuality from a mental illness to a lesser problem, and then as the result of a 20 year process during which about 1/3rd of the membership of the APA quit the organization primarily over this issue, as essentially “normal,” was a travesty.
- Unless and until it can be demonstrated that homosexuality is psychologically healthy –which has never been done– then all talk about homosexual rights or “gay marriage,” etc, is out of bounds and absurd. Indeed this cannot be demonstrated because it is objectively false.
- The empirical evidence available on the subject of homosexual psychology is overwhelming to the effect that homosexuality is a personality disorder, aka mental illness. This being the case, and the evidence is staggering, there is no excuse at all for appeasement of homosexuals, no excuse for homosexual rights legislation, or for pro-homosexual court decisions, and especially not for allowing homosexuals to serve in the US military or any intelligence agencies. “Don’t ask, don’t tell” should be thrown out not because homosexuals should be allowed to serve openly in the armed forces, but because they should be totally excluded under any and all circumstances. ALL homosexual gains in the years since 1973 should be voided and homosexuality made into a criminal activity on the basis of this Constitutional Amendment.
• The entire corpus of political and other arguments made by homosexuals or made on behalf of homosexuals, is based on gross ignorance and is indefensible.

• Homosexuality is a serious social and psychological problem that the US Government in co-operation with all reliable non-Governmental organizations with an interest, should do everything in its power to eliminate homosexuality from the United States. There is no such thing as “homophobia,” a neologism invented to smear all opponents of homosexuality as the equivalent of bigots, even respected psychology professionals. That is, the word homophobia is, in essence, an ad hominum attack with no objective value.

The real issue is the clinical heterophobia of homosexuals. This condition has been described in detail by Claude Crepault in the Summer 1995 issue of the Journal of Sex and Marital Therapy and to different effect in a 2000 book by Daphne Patai, Heterophobia: Sexual Harassment and the Future of Feminism. The point is that homosexuality clearly is medically dysfunctional; male and female sexual organs are designed by nature to be joined and, likewise, male / female pair bonding ensures the continuation of the species, not to mention contributing to psychological health even though not all couples are successful as married persons.

Nonetheless, men and women, it is entirely legitimate to say, are intended for each other. Accordingly any other sexual arrangement, except in cases of physical illness or infirmity, is anti-nature and unmistakably pathological and must not be tolerated in American society.

Concluding Remarks

The liabilities of toleration of homosexuality are made unmistakably clear, including obvious damages done to American society by such acceptance.

The point is made in many ways and in a variety of contexts, although primarily by implication, that proponents of so-called “homosexual rights” are suspiciously ill-informed and essentially deaf to all relevant facts. That is, the proposed Amendment reverses the status of the “sides” to the debate as it usually is presented in the mass media and in the Courts and halls of government, to the effect that it is not opponents of homosexuality who have no arguments worth making, but the proponents. The entire facade now being maintained, that acceptance of homosexuality is “enlightened” and science-based is repudiated empirically and thoroughly, placing the burden of proof solidly on homosexuals and their fellow travelers.

This is anything but a whitewash of conservatives, however. The view is expressed in the strongest possible language that the religious and political Right contributed enormously to the successes of homosexual activists and their agenda through gross incompetence, through exclusively religion-derived arguments that had no lasting chance for success in the political arena, and through willful ignorance that handed everything on a platter to homosexuals and their allies on the political Left.

This is a proposed Amendment, however, not a research paper, and some references to scientific literature are essentially indirect even if you can be assured that there are such sources, sometimes in abundance. You would be well advised not to bet against summarizations of research findings mentioned in the text.

For now the presumed main value of this Amendment is to pull together into one reference, the most effective arguments which can be made in opposition to homosexuality, in cases new arguments of my own, and in all cases, hard-hitting and unambiguous positions on the issue. You will see that the approach taken in the Amendment is unlike any other set of arguments and you may well agree that it should place the entire debate in altogether new light –with the potential to change public opinion dramatically on homosexuality.

This is a subject which I have studied, although anything but continuously, since about 1990, and which I have written about in a large number of still unpublished articles and essays, including one book to be extensively revised, since the year 2000. That is, it is safe enough to say that I know what I am talking about.
and feel confident that the views presented here can withstand any challenge made on empirical grounds.

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A Radical Centrist Vision for the Future

11. Religion

A Radical Centrist Vision for the Future > List of Amendments > Religion

11.1 School Prayer and Education About Religion

Preamble: The religious experience of Americans has intrinsic value and deserves to be made part of public education at every level. There is no conflict with the First Amendment when religious observance in public school, including institutions of higher learning, is voluntary and does not interfere with regularly scheduled classes. This assumes reasonable length of any observance, such as prayer, meditation, blessing, or reading scripture. However, along with this privilege goes a responsibility, in any school, to be informed about religion. Indeed, this is crucial in a pluralistic democracy in which millions of people are “communicants” in a large number of religions, and where significant minorities are skeptical about matters of faith or reject religion altogether. Prayer or any other faith observance that simply reflects religious preference or upholds unexamined tradition cannot be said to serve legitimate purposes of education.

Therefore: In all public schools the requirement shall exist for teaching Comparative Religion, including study of points of view critical of religion, and, inasmuch as American culture cannot be understood adequately without it, study of the Bible, that is, the Hebrew Bible, sometimes called the Old Testament, and the New Testament.

This in no way is intended to be devotional in nature; the purpose is to teach about religion and religious traditions, to understand the motivations of believers in terms of psychology and social science, with a grounding in the history of religions, especially the history of religions and unbelief in the United States. Similarly, study of the Bible should be scholarly, albeit age-appropriate, based on honest analysis of meaning not on doctrinal considerations of any kind, shall include study of relevant history, and show how important parts of the book have influenced American values, culture, politics, law, and morality.

So understood: School facilities shall be made available to responsible members of religious groups, to convene meetings either for special occasions such as religious holidays. or for regularly scheduled study, and the like. Agnostics, Atheists, and Humanists shall have the same right. School administrators shall have discretion concerning availability of facilities, and it is assumed they would seek to be fair and equitable. School prayers or other religious observances shall likewise be allowable at times as places made available at the discretion of school administrators, also assuming their desire to be fair and equitable, including consultation with parents or other responsible members of the community. In all cases, attendance at religious observances shall be voluntary.

However: In no case shall special accommodation for any religion be provided. There shall be no prayer rooms, no meditation halls, no special ablutions installations, or anything similar. Moreover, there shall be no exemptions for special “prayer times” or “time off” from school allowed for holidays unless local education boards, or their equivalents, approve such holidays as part of the official school calendar. No accommodation
shall be made for customs which are not normative in the local community, regardless of possible appeals by religious groups who do not share consensus American values.

Explanation: The purpose of this Amendment is to encourage thoughtful religious faith, or thoughtful and fair, honest evaluation of religion by its critics. It is, in all cases, meant to encourage students to cultivate healthy philosophies of life. Students should, in the process, come to understand that honest criticism of religion, or particular religious traditions, is a moral and intellectual good, as is respect for religious traditions when such respect is deserved on the merits. While classes cannot determine the truth-value of claims about the hereafter or propositions about the realm of Spirit, it is well within the purview of education to identify aspects of religion (or irreligion) which contribute to social harmony, personal growth, psychological well being, and the like, and which have deleterious effects.

On these grounds it is manifestly clear that not all religions are equal, some include values which are opposed to the values enshrined in the US Constitution, and it is the responsibility of teachers to point such things out. What should also be pointed out is that, no religion has all the answers to all questions. Even faiths that on the whole are good, have limitations. But each also has strengths, and beliefs or traditions which can be seen as promoting good lives for anyone who is open to the lessons taught by these traditions.

Finally, it is assumed that religious observances may include appropriate symbolism. Although religious garb is inappropriate for public schools, there should be no problem with such things as modest size crosses worn on necklaces, T-shirts that show a hexagram, or a Buddhist dharma wheel symbol lapel pin, to cite a few possible examples.

Concerning holidays, there is no problem at all with Christmas trees or creches, menorahs displayed at Channukah, and so forth. Some school districts, or colleges, may have significant religious minorities and may wish to recognize such times as Diwali, the Hindu festival of lights, or the commemoration of Buddha’s Enlightenment, etc, or in the case of non-believers, a day set aside to honor Darwin or some other respected individual. Appropriate symbolism for these days is also welcomed. But nothing said here should be interpreted as allowing for any proselytizing in schools beyond what may occur in normal private conversations.

It is understood that numbers of school districts already teach the Bible as literature, or as an historic document, and the like. This is also the case for Comparative Religion, now taught in many schools across the country. However, what this Amendment does is to find a new justification for school prayer – or other religious observance of similar nature, such as a blessing (presumably at Thanksgiving or Memorial Day or other such occasions).

Care was taken not to compromise the Establishment Clause and also to make allowance for those agnostic about or opposed, on principle, to religion.

Furthermore, this Amendment specifies the value of honest criticism, intended to pull the rug out from under Political Corrects views which, in a de facto sense, provide unwritten legislation that makes truthful discussion of religion virtually impossible in many settings, including public venues.

This Amendment combines school prayer and Comparative Religion, one as an option available to believers, appropriate in recognition of America’s spiritual heritage, the other as a necessity for a pluralistic society in which people of many different faiths live side by side, go to school together, and may well work together, not even to count the military. Bible study is also part of this Amendment in recognition of the great importance of the Judeo-Christian scriptures in the history not only of the United States, but also all of Western Civilization and even other civilizations.
This Amendment affirms America’s honored traditions while at the same time recognizing that we now live in an ecumenical society with its own imperatives and new values.

11.2 Islam is incompatible with the US Constitution

The wording of the Amendment shall be as follows:

Islam is incompatible with the U.S. Constitution

It is necessary to outlaw the practice of Islam in the United States of America because the teachings of this religion are antithetical to many vital provisions of the US Constitution and represents as existential threat to the security of American citizens. Furthermore, Shariah law, which is intrinsic to all orthodox forms of Islam, which is based directly on the Qur’an, seeks, as a stated goal of the religion, to replace civil law with a system based on inhumane values on the presumption that these values are superior to anything in the Constitution or in the religions of the world, including the religious faiths of the vast majority of Americas. All of this is completely unacceptable.

The United States was founded on ideals of individual rights, including the individual right to practice one’s religion of choice, or no religion, and that compulsion to practice any religion is not tolerable, nor is a state sanctioned religion allowable, nor is a ‘religious test’ for participation in government. Islam, in contrast, rejects each of these principles and it therefore incompatible, on a fundamental level, with American citizenship.

Islam preaches that it and it alone is the true religion and that Islam will dominate the world and impose its will on all other religions and upon democratic institutions. This view is completely unacceptable to Americans and is anti-Constitutional.

Moreover, Saudi Arabia, the spiritual home of Islam, does not permit the practice of any other religion on its soil, and this being the case, it would be unjustifiable to regard Islam as in any way compatible with the many religions which exist in the United States. But not only because of Saudi Arabia, but also because the entire history of Muslim religion has featured intimidation of non-Muslims wherever Muslims have gained power, with few and only temporary exceptions, with some cases where Muslim rule was one long series of atrocities, as it was in India where, in the course of Mughal and other Muslim rule, scholars estimate that as many as 70 or 80 million Hindus (including some Buddhists, Jains, Zoroastrians, and Christians in this number) were killed, and a similar number enslaved and often forcibly converted to Islam. To suppose that the character of Islam is such that it can peacefully co-exist with followers of other faiths is, to be candid, an absurd proposition.

Islam includes as its basic tenant the spread of its faith by any and all means necessary, including violent conquest of non-believers, and demands of its followers that they implement violent jihad (holy war) against those un-willing to convert or submit to Islam, including by deception and subversion of existing institutions, none of which is remotely compatible with the US Constitution. This ought to be obvious considering recent history as this Amendment is being written, including the jihad-inspired suicide attacks of September 11, 2001, in which 19 Muslim hijackers acting in the name of Islam killed 3,000 Americans. This was only one chapter in a long history of Muslim attacks against Americans, including the mass murder of 220 Marines in Lebanon in 1983, the carnage, including American deaths, at US embassies in Kenya and Tanzania in 1998, and which has continued into the present with more Americans unjustifiably killed by Muslim terrorists in non-combatant nations such as Pakistan and Yemen, with people of nations allied with the United states also killed, sometimes in great numbers, as has happened in Spain, Great Britain, on Bali in Indonesia where 200
persons, mostly Australians, were blown up, and in Mumbai, India, to list just the most well known such incidents.

Additionally, representatives of Islam around the world such as Osama Bin Laden, the government of Iran including Mahmoud Ahmadinejad, Hamas, Hezbollah, and other Islamic groups, have declared jihad (war) on America, and regularly declare that America should cease to exist, and this being the case any other course than outlawing Islam within the USA would be folly.

There is essentially muted opposition to all this mayhem and violence on the part of Muslim “moderates,” but it is also clear that most of the people affiliated with these groups have little or no influence on normative Islam in the Muslim world, and, as well, clearly have poor understanding of what their own religion teaches and feel free to misrepresent it to others. Which is to say that apologists for Islam who take the view that their religion is actually a “religion of peace” are, in so many words, either lying or are hopelessly uniformed and, in any case, should not be given credence.

Because Islam is subversive by its very nature, and antagonistic to followers of all other religions, actively seeking to harm people of other faiths, and actively seeks to replace the US Constitution with an alien legal system that is abhorrent to Americans, Muslims have no claim to First Amendment freedoms or protections.

As representatives of Islam around the world have declared war, and committed acts of war, against the United States and its democratic allies around the world, Islam is hereby declared an enemy of the United States and its practice within the United States is now prohibited. It shall be prohibited in perpetuity inasmuch as the motivation for Muslim hostility to America and to many other peoples is found in the core text of Islam, the Qur’an, a book regarded by all orthodox Muslims as inerrant, with commands to action in it regarded as absolutely binding.

Immediately upon ratification of this Amendment all mosques, schools and other Muslim places of worship and religious training are to be closed and confiscated by the state, determination of what to do with physical property to be decided by appropriate governmental agencies and the courts. Legitimate owners of such properties, excluding representatives of any Muslim nation in a state of war with the USA, or representatives of terrorist organizations, or of organizations known to provide tangible support for such groups, shall be compensated for their loss at fair market value. They shall be allowed to remain in the United States, under surveillance, until said properties are disposed of, but in no case more than 120 days.

In cases where American assets are confiscated in foreign countries pursuant to ratification of this Amendment, or confiscated pre-emptively because of the prospects of this Amendment, even when such action is disguised as if it was motivated by unrelated concerns, any foreign national from such country who owns property in the United States shall have his (or her) assets frozen unless and until that foreign nation allows US citizens to legally sell or otherwise dispose of their property in safety, at fair market value, secure in their persons.

All foreign born Muslims shall be deported. Muslims born in the United States who choose to remain in America shall be stripped of their citizenship and become subject to all laws enacted following ratification of this Amendment.

Anyone who advocates jihad shall be regarded as advocating the violent overthrow of the US Government and shall, upon conviction, be punished with death. This sentence shall be carried out within 90 days of a guilty verdict.

Any Muslims incarcerated in American prisons or other detention facilities shall be denied communication with any other Muslim without express written consent of the appropriate court, or special dispensation from
the President. No Qurans or other Muslim literature or media of any kind shall be allowed in the possession of the detainee, nor Internet access, or any equivalent, be permitted.

The preaching of Islam in any venue is prohibited. The subject of Islam may be taught in public schools as part of studies of religions of the world, and in colleges and universities, provided that instruction include discussion of Islam’s history of violence, unprovoked aggression and conquest, and its ongoing war against democratic and other non-Islamic values. What should also be made clear is that Islam teaches inferior status of women and allows for their abuse though such Qur’an-sanctioned practices as wife beating. Islam also sanctions slavery, which is expressly forbidden by the 13th Amendment to the US Constitution. Cruel and unusual punishments are also part of the fabric of Islamic law, including such barbaric practices as amputation of hands for theft and crucifixion of prisoners of war.

It must be clearly understood that Islam demands death for classes of people who are expressly protected by provisions of American law and by the US Constitution. Included under sentence of death under Islam are all people who venerate a Goddess, since this is said to be the gravest of “sins,” defined as a category of what Muslims refer to as “shirk,” meaning association of any “partner” to (their conception of) God, aka “Allah.” This, in effect, condemns to death all Hindus, since Hindus worship a variety of Goddesses, many Buddhists since Mahayana and Vajrayana Buddhists venerate female deities or equivalents, many or most Taoists and Shintoists, Shamanists who have central Asian background, as well as Neo-Pagans, Ishtar devotees, many American Indians who follow their traditional religions, people from tribal parts of Africa, Melanesia, Brazil, or elsewhere, and still others. Also condemned to death under provisions of shirk are Atheists, anyone said to be guilty of “blasphemy,” even simple and honest criticism of Muhammad or the Qur’an, anyone who seeks to witness to a Muslim about another religion, any Muslim who converts to another faith and quits Islam, and still others. None of this is tolerable under the US Constitution.

Nor is Quranic and more general Muslim anti-Semitism (anti-Jewish bigotry) or anti-Christian prejudices explicit in the Qur’an tolerable under the Constitution or laws which derive therefrom.

It must be clearly understood that Islam is a religion of intimidation and threats that allows Muslims, through the doctrine of Taqqiya, to dissimulate, that is, to lie about their religion or misrepresent it to others. Such misrepresentation, it should be noted, may be unintentional given the high rate of (as usually defined) illiteracy in many Muslim countries and the “religious illiteracy” of many Muslims generally, as pointed out by researchers, to the effect that such people may, out of a desire to “go along to get along,” that is, adopt the behavioral customs of others. But such things should not be misleading and lull Americans into falsely thinking that Islam is functionally little different than other religions fairly well known in the United States. On the contrary, as outlined here, Islam is qualitatively vastly different.

Nothing in this Amendment shall be construed to allow discrimination against persons of Arab or Iranian or Pakistani or other background often associated with Islam. Indeed, it should be pointed out that Arabs may be Christians and in America often are, Iranians may be Zoroastrians, Pakistanis may be Hindus, and so forth. Nothing said here is intended to promote violence against Muslims anywhere outside of the need for actions in war, or against terrorists, or for purposes of self-protection against Muslim violence. Nothing said here is meant to incite people to destroy property owned by Muslims, either in the United States or elsewhere.

Important: Any Muslim who repudiates Muhammad, the Qur’an, and Islam, shall be excused from all provisions of this Amendment since, by definition, he or she would then no longer be a Muslim. This repudiation must be genuine, however, and made under oath. If it is discovered that false pretenses were involved the individual shall immediately be subjected to all applicable laws, retroactive to the time of the false repudiation. There is no requirement for a former Muslim to convert to any other religion although this shall be that person’s option.
This Amendment is specific to Islam in all of its forms, without exception, although members of the Ahmadiyya sect, inasmuch as they have already rejected parts of the Qur’an, shall not be under purview of American law as it applies to those parts of Muslim teachings it regards as superceded. Upon informed judicial review, much the same may be said of specific Sufi sects. The key word here is “informed.” It must be regarded as essential for any court that its members educate themselves, at a recognizable level of competence, to the nature of Islam when deciding such cases. The courts must be cognizant of Muslim propensity to conceal the truth and not be deceived by camouflage vocabulary, euphemisms, or other devices meant to mislead people about the true beliefs and intentions of followers of Muhammad.

Nothing said here is intended to apply to independent religions which may make use of the Qur’an as an historic document that has been superceded by later “revelations” or other binding pronouncements, provided no criminal recommendations in Muhammad’s book, or later equivalents, are regarded as currently in effect. “Criminal” in the context of this Amendment refers to American law as derived from the US Constitution.

Nothing said here is in any way meant to disparage arts of the past inspired by Islamic culture, architecture associated with the religion, Arabic or Persian poetry or the like, traditional Muslim costume, Mid Eastern or Turkish calligraphy, Muslim historic writings, in principle the philosophy of Ibn Sina (Avicenna), historic accomplishments by Muslims in the sciences, or anything similar, all of which have intrinsic worth.

This Amendment in no way infringes on any other religion except Islam. It is the express hope and desire of this Amendment that there shall never again be a need for such an addition to the Constitution. But as things are, and might well be into the indefinite future, it is necessary to outlaw Islam in the United States in order that the religious freedoms of Americans who are Christian, Jewish, Buddhist, Hindu, Zoroastrian, Baha’i, Taoist, Confucian, Jain, Shintoist, as well as Goddess devotees, Neo-Pagans, New Age believers, Atheists, and still others, are protected and spared from the depredations of Muslims.

It may well be that “average Muslims” have little or no interest in the criminal-in-character dimensions of Islam, but this is no excuse for belonging to a religion which exists in radical opposition to the US Constitution and repeatedly produces fanatics inspired by the Qur’an who murder innocent people and commit many acts of violence in efforts to “live up to” teachings at the center of their de facto anti-American religion.

This Amendment should not be interpreted to in any way legally encumber the US Government in its dealings with Muslim-majority nations. During the era of the Cold War, the United states maintained diplomatic relations with various Communist regimes despite the fact that America and the Soviet Union and other Communist states were enemies.

However, there are implications for US military policy, among them, immediate dismissal of Muslim chaplains and all other Muslim personnel from the Armed Forces of the United States, releasing the military services from all obligations to such personnel. As well, under no circumstances shall American forces permit any implementation of Shariah law in any territory under its military authority.

What this Amendment is primarily intended to do is to make it unequivocally clear that Islam is incompatible with the US Constitution, which is already true, and to outlaw Muhammad’s religion within the United States and its territories and possessions. It is expected that, as a result of this Amendment, American foreign policy shall become openly opposed to Islam and that the US Government will adjust its treaties and other international relationships accordingly. It follows that it should be understood globally that American values as enshrined in the Constitution are antithetical to Islam. In conclusion, this Amendment recommends that the United States should embark on a policy of opposition to Islam and promotion of freedoms derived from the US Constitution as superior to the beliefs and values of Islam.
Additional information: This Amendment partly reflects a document published at the Free Republic website on April 20, 2008, entitled – PROPOSED CONSTITUTIONAL AMENDMENT AGAINST ISLAM

In several places the wording of that material has been duplicated verbatim. Much about it is highly commendable. However, it could not be re-used in its entirety because of various problems not understood by its author. Moreover, his position that Islam is a political movement and not a religion, while Islam does exhibit a clearly political and Fascistic dimension, is ultimately far too simplistic and indefensible. Therefore, many new clauses and arguments are new to the Amendment you now are reading.

Reference should be made to two other documents that make the anti-Constitutional nature of Islam unmistakably clear. These are: (1) Sharia Law and the US Constitution, by Louis Palme, published at the website, Annapaq “ The Critic ” on October 14, 2009, and (2) Questionnaire for Muslims seeking U.S.citizenship, by Billy Rojas, author of this Amendment, sometimes published under a somewhat different title.

Also, a conference on the subject, SHARIA vs. THE CONSTITUTION, was convened on November 16, 2010, at– Congressional Meeting Room North The Capitol Visitor Center Washington, DC Among guest speakers was a US Congressman. The panel discussion on the theme was intended for “Congressional staff.” The event was conducted under auspices of – The Center for Security Policy, The 7th Amendment Advocate and The Legal Project

While there are many issues which deserve extensive comment, that raise a variety of questions, three additional sources are especially relevant here, namely:

(1) ” Ex-Muslim: Proposal that Islam is Tolerant is Fallacious, Dangerous,” an article about Ayaan Hirsi Ali and her argument before the National Press Club in late October, 2010, and (2) Islam’s Ignorant Defenders, by David French, on the subject of both Muslim ignorance of their own religion and the even worse ignorance—overwhelmingly—of many people who defend Islam in America. This was published at the patheos website on November 10, 2010, and (3) Islamists’ Twin Assault on Free Speech, an article by Daniel Huff for October 28, 2010, published in the Middle East Forum newsletter, which makes the point that Muslims are currently seeking to muzzle free speech by all means open to them, in flagrant disregard of the First Amendment, in an on-going and co-ordinated attempt to outlaw criticism of Islam or, at a minimum, to create a climate of fear among US citizens, especially opinion makers, to make them unwilling to say anything that might offend Muslims.

In summation, there is so much that is wrong with Islam on purely objective grounds as far as any American citizen who regards the Constitution as the best possible source of law available is concerned, that it is unavoidable to make it known to the public that Islam is incompatible with the US Constitution, and, therefore, should be outlawed from the United States of America.

Prior to ratification this Amendment should be circulated to accomplish the following purposes:

(1) EDUCATION

To help educate American citizens and others about the realities of Islam which the mass media refuses to do. In so many words, nearly all of the major news services in the United States whitewash Muslim religion, based on a “don’t rock the boat mentality” intended to keep oil prices stable and avoid an energy crisis. Most journalists also are heavily invested in the educations they received in the Cold War era which devalued religion and regarded almost all problems as essentially economic in nature, with values considerations secondary—an outlook that is Marxist even when the name “Marx” never comes up. The view that is promoted, which can be summarized by the slogan “Islam means peace,” is, however, completely false to the
facts.

This Amendment is intended to make it clear to the public that Islam is a religion unlike all others in its reliance on a system of morality that, by American standards, is criminal in character and fascist in its overall effects.

(2) PUBLIC DEBATE

Our intention is to help inspire a public awakening to the serious dangers that Islam represents to all Americans.

We want nothing less than a nationwide debate that puts honest criticisms of Islam front and center so that nothing is swept under the rug. We regard Shariah law, which follows directly from the Qur’an and which all believing Muslims regard as superior to American law and which should replace the Constitution, as inferior in almost every way and quite simply is sanctified barbarism. No-one wants expensive oil but there is absolutely no excuse to falsify the truths about Islam, and no excuse for appeasing Muslims in any of their outrageous demands for adoption of parts of Shariah law in the United States, intended to lead to adoption of more and more parts in the future. Any and all views to the effect that Shariah is compatible with democracy are absurdities.

(3) PLATFORM FOR PUBLIC EXPRESSION OF RESPONSIBLE OPPOSITION TO ISLAM

We seek to provide one more platform that allows citizens to make their voices heard in public discussions of Islam. The American public is being sold a bill of goods about Islam that the Amendment challenges directly and unequivocally. The current situation simply MUST change. False information / disinformation about Islam dominates the media and even the halls of Congress. While there are others who are doing their part to awaken Americans to the serious problems that Islam poses, no other group places emphasis on the glaring contrast between the US Constitution and Shariah law which is intrinsic to Muslim religion – and which shows a viable course of action to remedy the problem. We greatly admire the work of Robert Spencer and Pamela Geller and Daniel Pipes and Brigitte Gabriel and still others, and our intention is to act in cooperation with them, but we believe that strong focus on the Constitution offers a very useful and potentially important means to the common end of challenging and defeating Islam.

(4) GLOBAL OUTREACH

Inspire people in other countries to do something along the same lines. At least some people in India have already said that they wish to do something similar, to propose their own amendment to their constitution which would have the same kind of impact there as this one could have in the United States. To say the least, this kind of development is also needed in many European countries and would be useful in places like Australia, Canada, Thailand, Kenya, and Kazakhstan.

(5) MOTIVATE POLITICAL LEADERS

We need the Amendment and the sooner the better. There are no illusions about the difficulty of seeing a Constitutional Amendment introduced in Congress and about the chances of eventual ratification, but it is crucial to start the process and light a fire under our Representatives and Senators and other political leaders so that, at some point in the future, the progress of Islam in the United States will be stopped in its tracks and eliminated from our country.
Quotes:

Samuel Adams, Report of the Committee of Correspondence to the Boston Town Meeting, 1772, “The Rights of the Colonists”—In regard to religion, mutual toleration in the different professions thereof is what all good and candid minds in all ages have ever practised, and, both by precept and example, inculcated on mankind. And it is now generally agreed among Christians that this spirit of toleration, in the fullest extent consistent with the being of civil society, is the chief characteristical mark of the Church. Insomuch that Mr. Locke has asserted and proved, beyond the possibility of contradiction on any solid ground, that such toleration ought to be extended to all whose doctrines are not subversive of society. The only sects which he thinks ought to be, and which by all wise laws are excluded from such toleration, are those who teach doctrines subversive of the civil government under which they live.

John Quincy Adams

While there is question about authorship—WikiIslam regards this as a misattribution—there is no doubt that The American Annual Register for the Years 1827-8-9 includes a good deal of information about John Quincy Adams and that, while the author of the following is not identified in the text, there is genuine possibility that it is by Adams. Research by David Miller makes this identification and he is someone who has studied the writings of America’s 6th president. In any case the Annual Register was a reputable source and whomever wrote the essay which is quoted in the following material was at least a contemporary of Adams about whom Adams expressed no reservations.

John Quincy Adams on Islam

Dave Miller, Ph.D.

The average American’s lack of awareness of the past has left our nation in an extremely vulnerable position. The multi-culturalism, pluralism, “diversity,” and political correctness that now blanket American culture mean that many are oblivious to and unconcerned about the threat that Islam poses to the American (and Christian) way of life. The Founders of the American Republic were not so dispossessed. They were well-studied in the ebb and flow of human history, and the international circumstances that could potentially impact America adversely. They, in fact, spoke openly and pointedly about the anti-American, anti-Christian nature of the religion of Islam.

Consider, for example, the writings of an early President of the United States, John Quincy Adams. Not only did Adams live during the founding era (born in 1767), not only was his father a primary, quintessential Founder, but John Quincy was literally nurtured by his father in the vicissitudes and intricacies of the founding of the Republic. John Adams involved his son at an early age in his own activities and travels on behalf of the fledgling nation. John Quincy accompanied his father to France in 1778, became Secretary to the American Minister to Russia, was the Secretary to his father during peace negotiations that ended the American Revolution in 1783, served as U.S. foreign ambassador, both to the Netherlands and later to Portugal, under George Washington, to Prussia under his father’s presidency, and then to Russia and later to England under President James Madison. He served as a U.S. Senator, Secretary of State under President James Monroe, and then as the nation’s sixth President (1825-1829), and finally as a member of the U.S. House of Representatives, where he was a staunch and fervent opponent of slavery.

After his presidency, but before his election to Congress in 1830, John Quincy penned several essays dealing with one of the many Russo-Turkish Wars. In these essays, we see a cogent, informed portrait of the threat
that Islam has posed throughout world history:

In the seventh century of the Christian era, a wandering Arab of the lineage of Hagar, the Egyptian, combining the powers of transcendent genius, with the preternatural energy of a fanatic, and the fraudulent spirit of an impostor, proclaimed himself as a messenger from Heaven, and spread desolation and delusion over an extensive portion of the earth. Adopting from the sublime conception of the Mosaic law, the doctrine of one omnipotent God; he connected indissolubly with it, the audacious falsehood, that he was himself his prophet and apostle. Adopting from the new Revelation of Jesus, the faith and hope of immortal life, and of future retribution, he humbled it to the dust, by adapting all the rewards and sanctions of his religion to the gratification of the sexual passion. He poisoned the sources of human felicity at the fountain, by degrading the condition of the female sex, and the allowance of polygamy; and he declared undistinguishing and exterminating war, as a part of his religion, against all the rest of mankind. THE ESSENCE OF HIS DOCTRINE WAS VIOLENCE AND LUST: TO EXALT THE BRUTAL OVER THE SPIRITUAL PART OF HUMAN NATURE.

Between these two religions, thus contrasted in their characters, a war of twelve hundred years has already raged. That war is yet flagrant; nor can it cease but by the extinction of that imposture, which has been permitted by Providence to prolong the degeneracy of man. While the merciless and dissolute dogmas of the false prophet shall furnish motives to human action, there can never be peace upon earth, and good will towards men. The hand of Ishmael will be against every man, and every man’s hand against him. It is, indeed, amongst the mysterious dealings of God, that this delusion should have been suffered for so many ages, and during so many generations of human kind, to prevail over the doctrines of the meek and peaceful and benevolent Jesus (Blunt, 1830, 29:269, capitals in orig.).

Observe that Adams not only documents the violent nature of Islam, in contrast with the peaceful and benevolent thrust of Christianity, he further exposes the mistreatment of women inherent in Islamic doctrine, including the degrading practice of polygamy.

A few pages later, Adams again spotlights the coercive, violent nature of Islam, as well as the Muslim’s right to lie and deceive to advance Islam:

The precept of the koran is, perpetual war against all who deny, that Mahomet is the prophet of God. The vanquished may purchase their lives, by the payment of tribute; the victorious may be appeased by a false and delusive promise of peace; and the faithful follower of the prophet, may submit to the imperious necessities of defeat: but the command to propagate the Moslem creed by the sword is always obligatory, when it can be made effective. The commands of the prophet may be performed alike, by fraud, or by force (Blunt, 29:274).

No Christian would deny that many Christians in history have violated the precepts of Christ by mistreating others and even committing atrocities in the name of Christ. However, Adams rightly observes that one must go against Christian doctrine to do so. Not so with Islam—since violence is sanctioned:

The fundamental doctrine of the Christian religion, is the extirpation of hatred from the human heart. It forbids the exercise of it, even towards enemies. There is no denomination of Christians, which denies or misunderstands this doctrine. All understand it alike—all acknowledge its obligations; and however imperfectly, in the purposes of Divine Providence, its efficacy has been shown in the practice of Christians, it has not been wholly inoperative upon them. Its effect has been upon the manners of nations. It has mitigated the horrors of war—it has softened the features of slavery—it has humanized the intercourse of social life. The unqualified acknowledgement of a duty does not, indeed, suffice to insure its performance. Hatred is yet a passion, but too powerful upon the hearts of Christians. Yet they cannot indulge it, except by the sacrifice of their principles, and the conscious violation of their duties. No state paper from a Christian hand, could,
without trampling the precepts of its Lord and Master, have commenced by an open proclamation of hatred to any portion of the human race. The Ottoman lays it down as the foundation of his discourse (Blunt, 29:300, emp. added).

The Founders were forthright in their assessment of the nature and teachings of Islam and the Quran. Americans and their political leaders would do well to take a sober look at history. To fail to do so will be catastrophic.

REFERENCE


Winston Churchill Published on October 6, 1897. According to Wikipedia:

He wrote of his experiences in the borderlands with Afghanistan in a book titled The Story of the Malakand Field Force. This book detailed not only the conflict of the region, but also its cultural and military history, with notes on natural history. When his mother informed him in late 1897 that Longmans had agreed to publish this tome, he noted that “the publication of this book will certainly be the most noteworthy act of my life. Up to date (of course). By its reception I shall measure the chances of my possible success in the world.” The book appeared the following year.

In this book, when describing a local imam, Churchill coined the term “Mad Mullah”. Speaking of the Pathan and Beluchi tribesmen of the border regions, he noted with some sarcasm that “the Mullah will raise his voice and remind them of other days when the sons of the prophet drove the infidel from the plains of India, and ruled at Delhi, as wide an Empire as the Kafir holds to-day: when the true religion strode proudly through the earth and scorned to lie hidden and neglected among the hills: when mighty princes ruled in Bagdad, and all men knew that there was one God, and Mahomet was His prophet. And the young men hearing these things will grip their Martinis, and pray to Allah, that one day He will bring some Sahib (prince) – best prize of all – across their line of sight at seven hundred yards so that, at least, they may strike a blow for insulted and threatened Islam.”

Churchill wrote: “Indeed it is evident that Christianity, however degraded and distorted by cruelty and intolerance, must always exert a modifying influence on men’s passions, and protect them from the more violent forms of fanatical fever, as we are protected from smallpox by vaccination. But the Mahommedan religion increases, instead of lessening, the fury of intolerance. It was originally propagated by the sword, and ever since, its votaries have been subject, above the people of all other creeds, to this form of madness.”

A Radical Centrist Vision for the Future

A. Radical Centrist Principles and Values

A.1 Ten Principles of Radical Centrism
(1) RC is anti-partisan, it is more than “non-partisan”

This principle should not be taken too far. About specific issues partisanship may well be in order. And there is respect for partisanship when it is appropriate, such as among leaders of a political party, or at various “inspire the troops” events. But party-line thinking is abhorrent to RC. It is axiomatic that each major party will be wrong about 40% of the time, with the 20% difference (between the two parties) in the category of uncertainty, or right-and-wrong. Obviously this general idea also applies to “other” parties or political philosophies.

(2) RC seeks to learn whatever is useful or good from all political movements or causes.

The exceptions, in principle, are totalitarian ideologies. Yes, even here, it is worthwhile to study the hard Left or the far Right, but the point is that extreme caution is necessary and ANY ideas which might be borrowed from either persuasion need to pass serious tests to screen out even a hint of authoritarian values. Otherwise we are open to new and useful ideas from just about anywhere on the political spectrum, Greens, Libertarians, Social Democracy, the Constitution Party, and you-name-it, even if, by the nature or American politics, most, by far, of what we are all about is within a range of views from Democrats on the Left to Republicans on the Right.

(3) RC seeks creative “out of the box” solutions to problems.

This says that partisanship –any party– blocks some solutions because there are pre-established priorities set by a political ideology. Therefore, forget partisanship and seek a new solution from scratch if, that is, objectively the new solution is really worthwhile.

(4) RC seeks to solve problems by seeking to find a synthesis between extremes that incorporates the best from Left and Right.

The qualification is that this is just one option, it is not the only option to seeking to solve problems. This makes RC partly Hegelian, which, as I see it, is all for the Good. It is important to note, however, that RC is NOT a fusion of Social Liberalism and Fiscal Conservatism, a combination that has sometimes inaccurately been designated as Radical Centrism. Actual RC is issue-by-issue in character such that Radical Centrists may well be 60/40 conservative on social issue and 60/40 liberal on fiscal issues, or still other configurations, 70/30, 50/50 and so forth.

(5) RC is based on ”cafeteria politics.”

RC offers a platform for Independent voters to put together, as seems smart and good to each Indy, a combination of positions on issues taken from both Left and Right –and sometimes Other– in new ways. This obviously is also only one alternative within RC. But the point is that a significant number of issues are pretty much set in concrete, and not much can be added by way of discussion to what they are. The problem of diminishing returns applies to political ideas too. How much additional research or deep thinking can possibly “refine” the abortion debate further? Same for teaching evolution in the schools. To use these examples as metaphor for all other such issues, one is a typical Right view, the other a typical Left view. A Radical Centrist may say that both are Good, combining clearly solid Left and solid Right positions. And this may be the case for 100 other issues. But if it really is RC there will be an approximate balance, over all, although the exact mix may vary, year to year.
(6) RC insists that all positions one takes should be researched.

The ideal is the informed voter. RC places a premium on education as a general rule which applies specifically to politics. “Research” assumes serious thinking, testing ideas, and all the rest.

(7) RC prefers market solutions to problems.

However, this principle does not say “only” market based solutions. It is easy to think of a good number of areas where government has offered the best alternatives, from the Interstate highway system created under Dwight D Eisenhower to development of the ARPENET and then the Internet, to today’s work at NASA in developing a host of new technologies with considerable potential for the entire US economy. But we prefer market solutions as much as possible, including solutions which arise from competition in the “marketplace of ideas.”

(8) RC requires that all issues anyone champions should be moral.

Exactly what this morality should consist of is open to discussion and debate but it is safe to say that one version of this morality compares to the morality of Evangelical Christians. However, this also says that compatible moralities for example of many or most Buddhists, is also Radical Centrist in character.

(9) RC finds its highest political ideals in the US Constitution before all other sources

This hardly says that there aren’t other sources, everything from the Code of Hammurabi to British common law and the Universal Declaration of Human Rights, but the US Constitution has a special place in RC thought and no ideas advocated by Radical Centrists which can be deemed “unconstitutional” are acceptable. When Radical Centrists arrive at new ideas which the Constitution does not address, or when functional problems with the Constitution or its amendments are identified, it is always acceptable to suggest new amendments.

(10) RC is dedicated to responsible free speech

This means exactly what it says. Not all speech is responsible and free speech rights can be abused. But otherwise Radical Centrists take the view that the First Amendment is inviolable and essential to any kind of valid politics –and much else. People should be free to express their honest thoughts. Censorship, either de jure or de facto, is abhorrent on principle. But in exercise of free speech it is our responsibility to be constructive, fair, and honest. This may mean controversy, it may mean criticisms of vested interests and of public persons, but when we feel we should, in conscience, speak out, that is our prerogative. For this reason we feel an affinity with many libertarians, who share this outlook, even though, because we regard morality as social necessity and libertarians seem to have no obvious morality, we are not libertarians ourselves even if some of us are influenced by libertarianism. But others may be more influenced by Teddy Roosevelt or a variety of personal heroes.

A.2 Ten Radical Centrist Values

1. **Respect** for each other and for everyone deserving respect –which is the great majority of people. This means that relationships matter to Radical Centrists, including friendships, professional sharing of ideas and information, and a desire to use our knowledge and insights to do our part to make our communities and our
nation better for what we may contribute. Another way of saying this is that co-operation is our objective. Obviously this is not always possible. Respect needs to be reciprocated, for one thing, and obviously there can be no co-operation with people whose intentions clearly are hostile, or worse. But to express what we most want in terms of each other and almost all others, we prefer co-operation as the best way to do things.

2. There is a premium on civility among Radical Centrists that, while we all believe it is essential for Radical Centrist purposes, is intrinsic to who we are as people with a wide variety of interests. For most of us this is an effect of religious faith, including something similar among good-intentioned people who may be classified as humanists—in the sense that the word is used historically to denote someone who seeks wisdom from many different sources, not limited to religion. We want to get along with one another, and with our guests. Thus, while we certainly find ourselves in disputes now and then, everyone tries to keep things “in bounds.” To state this in another way, Radical Centrism is not for religious zealots or firebrand Atheists or “hard core” political partisans, either Right or Left or something else. We are committed to open exchange of ideas, to searching inquiry wherever it may lead, to discussions of serious issues, and to honest dialogue. For that to happen, it will not do for someone to use our forum as a megaphone to seek to browbeat others. Civility means willingness to listen, not just to speak, and it means strong desire to keep the friends we make.

3. Competition for achievement. Think of this the way you think of track and field events. The athletes strive with all they’ve got, to cross the finish line first, or throw a javelin the furthest. But no-one seeks to injure anyone, and far from hating each other, they have the deepest respect for what their peers accomplish. We try to do what we do as Radical Centrists in this spirit. We regard competition as healthy, necessary in life, and as essential for motivation to reach difficult objectives.

4. Minimum compromise. This does not mean we never go halfway to meet other people with other political objectives, but it definitely does say that Radical Centrism is about staying true to our sense of morality, and to everything we cherish and regard as crucial to our integrity. Compromise may be a necessary evil but we try to avoid any such thing whenever possible. What this does, however, is to compel us to make an extra effort to always be informed so that objective facts are under discussion, and so that we do not enter into ideological disputes which, by the nature of things, are clashes of beliefs that rarely end in anything but acrimony. It also means seeking post-partisan solutions to problems. That is, trying to find new ideas that can speak to real issues that may divide people but new ideas that go beyond disputes to try and find special ways of framing those issues, or that seek to arrive at entirely new approaches to problems that allow some kind of practical solutions to emerge. At least this is our ideal. But if there is no other way out, we are prepared to fight like hell for what we believe is right.

5. Critical thinking is absolutely necessary. This means not only understanding the importance of being critical—in the sense that a theater critic tries to provide an accurate evaluation of a drama or the way that a coach seeks to let a player know what he or she is doing wrong so that sports performance improves—toward others but also with respect to one’s self. That is, we try to be self critical, to be objective about our limitations and problems. We try to be realistic, in other words. In all cases criticisms should be constructive. Maybe this does not apply to those who make themselves our enemies, but otherwise this is a basic rule. Almost always criticism should have as its intention, making things better, making people better able to assess their strengths and weaknesses or those of others, and to recognize the good potential in arguments for or against something, not only flaws.

6. Focus on the future. We seek to cultivate a shared vision for America—but including other nations and our own lives. We are wide open to making the most of historical examples, and always try to discuss issues that matter in the here-and-now, but ultimately it all leads to the future since we cannot bring about instant change. Indeed, Radical Centrism has much in common with the discipline of futuristics, also known as Futures Research. After all, no-one can develop reliable forecasts unless he or she is as objective as possible, is eager to explore all relevant viewpoints, and looks dispassionately at the opinions of both the Left and the
Right and any other relevant political positions. We also realize that to create a political program of our own we need a sense for what the world will become in ten or twenty years, if not further ahead in time.

7. We seek to **create value** for others and to reward others who create value for us. In effect this is market philosophy, but not in the commonplace sense of what happens on the floor of a stock exchange. The market that means the most to us, usually anyway, is the “marketplace of ideas.” Or you may wish to think of it as a marketplace of character. We are always learning and always teaching others as much as they may wish to learn from us, but what is most important is what makes us better as people. Hence the inspiration for the civility among us –the spiritual or philosophical values that we regard as essential– emerges in what we say to each other in many different contexts. We all feel that we have a stake in contributing to one another’s character. Not to overdo this sense of things, since most of it is unconscious, but it exists as a leitmotif in many, many discussions and it may well carry over into our lives in the 3 dimensional world.

8. It is crucial to **admit your mistakes** and try to learn from them. To be completely honest about it, and while we do try, we fall short of this ideal again and again. Hopefully we are no worse than anyone else, on good days perhaps we come close to our ideal, but regardless there always is room for improvement. And we know for a fact that human beings will always make mistakes. But as we understand life, looking for lessons to be learned from the errors we are responsible for is a good way to make lemonade out of lemons. Being forthright about one’s mistakes is vital to Radical Centrists because our philosophy is based on seeking what is best from among different political causes which, by definition, themselves contain mistaken views of many kinds. Since all of us started out with sentiments that had little to do with anything that is now Radical Centrist in character, all of us have parts of those outlooks within us, giving us useful ideas to work with but also acting as sources of any number of questionable ideas which really don’t stand up to testing by the standards we now have. So, while no-one overdoes it, we all ask ourselves whenever advocating some bright idea, “what did I miss?,” “are there holes in my case that I simply cannot see ?,” or “have I really taken into account other viewpoints that I should take into account ?” Finally, we believe that it is worthwhile to study the human processes that result in error so that, in the future, we will make as few mistakes as possible.

9. We seek to focus on **creative ideas that can actually be implemented** in the real world. For sure, like most people, we spend a good deal of time discussing questions that arise among friends, including our views about current politics, the meaning of selected news events, and personal matters that come and go in ordinary life. However, the overreaching objective is to develop ideas that could actually make a major difference in society. Any particular discussion may be more “social” than anything else, but we all agree that whenever it may become possible the purpose of what we do is to set the stage for practical action.

10. We regard **diversity** as a good thing but our attitude is approximately 180 degrees the opposite of that of multi-culturalists. Not everyone is equal and not every culture is equally good. People differ in talent, character, and achievement; some go to lengths to educate themselves or to always be truthful. But others devalue education and seem to think that lying is perfectly OK. Some cultures provide numerous healthy opportunities for people while others are best characterized as “sick societies.” All human societies have limitations and some may produce many criminal elements. Societies, like individuals, are a mix of many things, good, bad, ugly, and also noble or inspirational. It is essential to be as ruthlessly realistic about this as possible, not to argue for some kind of intrinsic genetic or ethnic or racial superiority, but to become as honest as it is in us to be about our commonalities –against an understanding that our differences are also important and must be taken into account if we are going to accomplish anything in the political or cultural realms. We are multi-ethnic and multi-racial but judge each other –and all others– by the same standards, especially standards of excellence. We also are open to ideas from many different sources, from cultures all over the world, but, again, only on a basis of objective merit as we understand it. We do believe that even the least among cultures has something to contribute to the common good, including sometimes really profound Good, but we will not play games of “let’s pretend that all cultures are equal.” And, with all due respect to many other countries, some of which we think extremely highly of, we believe that America has a special
place in the world and has a responsibility to provide global leadership in as many areas of life as it is in us to provide.

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A Radical Centrist Vision for the Future

B. Sources

Here are some suggested readings for anyone with the interest in looking beneath the surface and into the depths of the minds of the Founding Fathers, the original “greatest generation,” never to be equaled. This is anything but an exhaustive list but these recommendations were useful for the writing of this paper.

The influence of Voltaire, Locke, and Montesquieu, especially, can be examined in a fairly short article found on the site: The Enlightenment, in a section entitled: Revolution. Another resource of value is philosopher David Hume’s paper “Of the Original Contract,” and other writings of his on governance.

The religious dimension of the Constitution is discussed to telling effect in an article by Molly Henneberg published on January 7, 2011, entitled “The Sacred Constitution.” Henneberg addressed the anti-religious sentiments common at the Washington Post in their insulting sneering at the reading of almost the entire Constitution when the 114th Congress was convened. Yet she made clear that many Americans regard the document –along with the Declaration of Independence– as divinely inspired. Indeed, for Mormons, both for Republicans like Mitt Romney and Democrats like Harry Reid, God himself inspired the writers.

For a modern religious – conservative view of the Constitution see an article in the New Republic for July 5, 2011, Ed Kilgore’s “The Hidden Meaning Behind Michele Bachmann’s ‘Constitutional Conservatism’”

Another perspective is found in an article by Norman Berdichevsky published in the New English Review for July 2007, “The Torah And The Constitution.” As Berdichevsky observed, reliance on the rule of law –as opposed to decrees by a monarch– is central to the Constitution, and, of course, the document requires literacy. This, in turn, spurred an American movement for universal education, even if that noble cause had more than this source. Moreover, the first citizens of the new nation recognized their indebtedness to the Old Testament / the Hebrew Bible and to the Jews, with no less than Washington, Jefferson, Madison, and later Van Buren, making this explicit. There was even second order influence when various Hebrew-language words and adages entered American English.

An article by John D. Nelson, “Masonry and the Constitution,” no date, also available on the Web, discusses the part played by Freemasons in bringing about the Constitution. While exact information is simply out of reach by this time, a minimum of 8 signers of the Declaration of Independence were Masons and at least 13 delegates to the Constitutional Convention (including Washington and Franklin) likewise were members. This background shows up in emphasis in the document on some typical Masonic values, especially
“individual freedom, truth, tolerance and brotherhood.” There were also five Masons who opposed the Constitution – on the grounds that it needed other Masonic values, namely most of the principles eventually found in the Bill of Rights, which, of course, was an add-on after the fact. There is an extensive literature about the Constitution, articles and books that could fill a separate library just on this subject, but a few recommendations might be listed here:


Others:

- U.S. Constitution Online, 2011, “Constitutional Interpretation.”
- Garry Wills, Explaining America: The Federalist, 1981.

Unavailable to the writer at this time was a new book by Pauline Miller for 2010, Ratification – The People Debate the Constitution. However, it was possible to hear professor Miller give a most informative lecture about the research for her book, which was broadcast on C-Span television, enough to recognize that her study of the subject may well be the most important in many years.

There also are a number of publications just about the process of amending the Constitution. Special mention should be made of Richard Bernstein (with Jerome Agel) Amending America, 1993. Among other things the book discusses the many ideas which have been promoted for new Amendments in the past, everything from the era of the Constitution itself to the 1990s. Some of the ideas of previous would-be drafters of Amendments were made use of in the following set of recommendations, although not necessarily (or ever) intact, since my tendency is to borrow piecemeal, making modifications as I go along.

Other titles:

- American Heritage (editors) feature article, May – June 1987, “Taking Another look at the Constitutional Blueprint,” series of comments by political leaders and authors about changes they would like to see made to the Constitution.

Wikipedia, current as of October 17, 2011, “List of proposed amendments to the United States Constitution.” This includes short form recommended amendments by members of Congress, and selected others. However, as the article notes, there have been over 11,000 suggested Amendments over the years.

Many of the Amendments which appear in the following pages are revisions (some drastic) to individual Amendment ideas first proposed in an unpublished paper of mine of ca, 1997, describing 50 new amendments – one for each state.

There have been recent proposals of merit by several authors, such as Larry Sabato in his 2007 book, *A More Perfect Constitution*. While few of his suggestions were borrowed / adapted for this study, his call for a new constitutional convention is an idea that I agree with wholeheartedly. Sabato suggested 23 Amendments to the Constitution.

Texas Governor Rick Perry is on record favoring seven new Amendments. Some of these will be found in the current study, although not in Perry’s form, nor from Perry as a source since these ideas were on my agenda for some time. Still, he will see several that are very similar to his recommendations. This is not an endorsement of Perry’s politics since I disagree with his overall political philosophy, it simply is an acknowledgement that various of his ideas are very worthwhile.

In some cases a source for an Amendment is noted in the text for individual Amendments, mostly from Rich Vail’s website, someone who has spent a great deal of time thinking through the problems which are at the root of his suggestions. More generally this is a good time to express sincere thanks to everyone at Radical Centrism.org, especially Ernie Prabhakar, our illustrious founder, who offered a number of useful ideas during times I discussed possible Amendments with the group, or discussed related concepts, at times in the past.

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A Radical Centrist Vision for the Future

C. On Libertarianism

Radical Centrism vs. Libertarianism

*Radical Centrism is superior to Libertarianism because:*

It offers the best available way to combine the strengths of Democrats and Republicans, or others, into workable solutions to problems without compromise of principle. Libertarianism insists on a fixed ideology and has no way to even recognize strengths of Left or Right except insofar as one or the other agrees with Libertarian views, viz, my way or the highway. We agree wholeheartedly with Libertarian emphasis on free speech and the value of markets but take a far more holistic view of politics and governance.
Corporate profit and government innovation can exist symbiotically. The Internet and the transcontinental railroad wouldn’t have come to fruition without significant government effort and resources. Each became a backbone for private industry. This, for Radical Centrists, is an ideal outcome, government working to expedite the success of business, and business contributing to the common good. We reject demonization of government as misguided even though we are not in the least reluctant to criticize individual politicians or specific political positions. Usually we are about as likely to criticize Democrats as Republicans although the exact proportions vary from year to year.

A great strength of Libertarians is that they often makes you think. They forever challenge everyone else’s orthodoxies. They act as agents provocateur to all other political parties, and to factions within parties. Debate a Libertarian and you will almost always need to rethink some of your positions, including some you regard as very important. However, the great weakness of Libertarianism is that few Libertarians challenge their own orthodoxies. There is little or no self-criticism.

Libertarianism has a fatal flaw: It is a reductionist philosophy. There is a tendency towards absolute reductionism, reducing all issues to one principle, especially the primacy of freedom, but also to the near-primacy of reason. However, this is not how the world works.

Is all of physics reducible to $e = mc^2$? No-one can possibly make that claim no matter how crucial Einstein is to physics. Rather, the political world is more like chemistry, in which compounds—by analogy political solutions to problems—are made up of various or even many substances found in the Periodic Table of Elements.

Even if a few issues can be dealt with in fairly simple terms, regardless, ONLY a few issues allow this. Any other expectation is unrealistic.

Any form of reductionism is false by definition, whether Henry George’s single tax or the Flat Tax as a panacea, or Keynesian stimulus programs as “the solution” to financial crisis, or anything else.

You’ve got to figure out how the system works. If there is any one principle to politics this is it. And all living systems change, they evolve (or devolve) and combine and recombine in many different ways. Libertarians do not begin to understand this basic axiom.

To put it simply, the world is a complex system, not a formal system. Libertarian thought is caught up in Newtonian/Aristotelian deterministic first principles as if politics is a deductive process. While use of first principles as a means to clarify ideas is incredibly useful and elegant, it is only tangentially related to the real world.

There also is the matter of pragmatism. Where is Libertarian pragmatism? On the premise that a pragmatic approach is essential for success in American politics, this is anything but a trivial question. Ideological politics seldom has any chance at all in the United States since Americans are pragmatists by second nature—with good reason. We are not interested in any political philosophy unless it works, unless it produces results.

This means far more than simple pragmatism for a few isolated issues, but systemically, as an essential way of doing (political) business day in and day out. Instead, in Libertarianism, one finds commitment to an ideology based on one or two or only a few ‘unarguable’ principles.

Why are Libertarians attracted to this way of thinking? We do not have an answer. In any case, we see the world differently.

Radical Centrism is also about applying the scientific method to politics as much as possible in the real world. For us, science is essential both in its own right and as providing us with a model of how to proceed to
What differentiates a Radical Centrist from traditional Left-Right ideologues in America is that Leftists and Rightists cherry-pick facts to support their arguments, without even trying to find an objective solution to problems. Our purpose, whatever limitations any of us may have, is to find the objectively best answers to questions wherever on the political spectrum they may originate.

At the same time, and in contrast to many Libertarians, we think it is vitally important for any political remedy to rest upon principles of moral clarity, no matter how innovative we sometimes are.

By definition, politics which is not founded on a sense of moral right and wrong, is amoral and can easily become immoral. We don’t need more ethics scandals to remind us of this obvious truth. Thus, values issues are not ‘wedge issues’ to us even when other concerns necessarily must come first in our priorities.

Political Independents will find Radical Centrism open-minded and useful, and, at the same time, very principled.

Radical Centrism is a political philosophy intended for Independent voters and independent-minded political people of any party.

This statement has been contributed to by Ernie Prabhakar, Mike Gonzales, and Billy Rojas, and represents a combination of their ideas and observations.

**Radical Centrism and Libertarianism – A Dialogue**

An e-mail discussion that began on November 1, 2011, turned out to be very important in development of a Radical Centrist response to Libertarian philosophy.

In our “conversations at radicalcentrism@googlegroups.com we sometimes deal with libertarian ideas with a good deal of seriousness. In part this is because there are libertarians or semi-libertarians who are part of the group. These exchanges are always thoughtful and civil. Or almost always; we, too, have feelings and now and then become unhappy with what someone says. Regardless, the results almost always are valuable for allowing each participant to learn from others and to test ideas.

The early November discussions featured two ‘libertarians’ David Block, a computer expert from Texas, a regular at RC.org, to use our shorthand designation, and a newcomer to the group, Kevin Kervick, a writer for the Manchester Independent Examiner newspaper, and the author of a recent book, Discovering Possibility. Kevin posted chapter 7 of his volume at the RC site and it became a subject of discussion. To characterize either of these men purely as “libertarians” is not quite accurate, even if, thus far, that is where most of their political sympathies are found. David, for instance, takes some un-libertarian positions such as approval of trust-busting and opposition to open borders.

Kevin is trying to develop a new philosophy that starts with Libertarian premises but that goes from there to uses of social psychology in politics, which is foreign to most political views including Libertarianism, and justifying his overall stands on the basis of the need we have in the here-and-now to dramatically reform not only our politics but also the way society functions as a system. As he put it, there is an “inevitable build-up that occurs over time in human systems.” With many years of hard won experience in human services,
“perhaps the most repressive and intransigent” of any of the “helping” professions, Kevin concluded with the comment that “something serious needs to happen to get back to efficiency and neighborliness.” One translation of this might be to say that what he wants is to see something new arise in communities in which things that actually need to get done, do get done, and in which people once more get to know each other as friends and share their lives as fellow citizens.

The context for the discussion was reaction to an article by T. M. Scanlon, “How Not to Argue for Limited Government and Lower Taxes,” about the logic of the Libertarian position on these and related issues. The conversation began with some honest-to-God serious philosophical reflections. This happens at RC.org often enough; that is, one of the hallmarks of our group is interest on the part of many of us in actual fresh thinking about our views and positions from time to time.

David set the tone. This was after some of us had criticized Libertarians for their rationalist premises –and rationalist demands for political conversations generally. But, David asked, is this a reasonable approach? For sure, he said, such criticisms of “libertarians,” and he has more than one foot in that camp, don’t apply to him, not as he sees it. This puts him, doubtless along with others, in the odd position of being criticized for what he does not do. His exact words:

“Complete and total rationality might be a myth.”

” If rationality is a myth, then is irrationality the truth?? Not sure I want to go there. Not sure that you would want to go there, either. If you do want to, WHY?? “

Where does this leave anybody? None of us are perfectly rational but is the antidote the opposite? How does that make any sense? Which is where Libertarians and Anarchists part company. The ‘rationalism’ of Anarchists is pretty close to nihilistic irrationality. Great for making a lot of noise but it solves nothing.

What, then, is the alternative? Limited rationality, imperfect rationality, just doing our best to try and be rational, and succeeding more often than not when we make an honest effort. As David concluded:

“I would like to think that we are more rational than irrational.”

But… ” Your mileage may vary.” With that we were off to the races. Here is where Kevin’s essay from his book became the focus of attention.

Kevin’s view in his book is, in common with other Libertarians, that maximizing freedom is not only the highest good, but comes close to being an Absolute Good. Perhaps this overstates his case, but this generalization does put the issue into focus.

Kevin’s analysis centered on the advantages of workplace freedom, as much as people may reasonably hope for. And his point is hard to argue against. If you have a flexible work schedule, if you can work from home, if you have real choice in your work assignments, etc, you will be happier than if you did not have these freedoms.

The psychological principle, ” that free people are happy people is not without real world evidence,” Kevin continued. ” If one looks around the world it is readily apparent that countries high on authoritarianism tend to be low on happiness and countries high on free choice tend to be high on happiness.” And, by implication, so it is in the world of work, and generally. Therefore, some kind of freedom quotient is our best yardstick and may as well be our only yardstick even if, yes, about some particulars this view may need to be qualified.

Ernie, our leader, wasn’t buying.
The key criticism—we usually use the word in an analytic sense—in Ernie’s review of libertarian philosophy was his observation that as much as the libertarian outlook is useful in any number of ways, especially in today’s over-organized society, it is “woefully one-sided, both historically and ideologically. In Radical Centrism, we try very hard to see all sides of the story—including those damaging to our viewpoint—and integrate them into something better.” And this, indeed, is a major difference. Radical Centrist philosophy requires conscientious study of opposing viewpoints, both in terms of Democrats vs Republicans but also in terms of some other viewpoint vs Radical Centrism. And the purpose in doing this is to learn useful ideas from other viewpoints, not simply to argue against them.

Expanding on the theme of freedom, Ernie made the point that, on this subject, Radical Centrists often come down on the same side as libertarians. However, for us, freedom is important but not all-important—because it cannot be and at the same time be true to other important parts of life. After all, how valid is it to define freedom as ability to do as one wants? Sometimes we should do something, and we know it, even when we don’t necessarily want to.

Examples are abundant: Doing what is best for one’s family even when you might really want to go to a ball game or visit with your buddies. Doing what helps your church rather than not doing anything because you would prefer to take it easy and relax. Getting involved in local government even though doing so will take time from other things you might prefer doing.

Ernie asked: aren’t there “some shoulds that overrule wants?” What is the libertarian answer?

There is no question that “freedom is an important factor. But not the only one. In Radical Centrism, we’re trying to find all the factors so we can optimize them simultaneously, not pick one to obsess over to the exclusion of others.”

About another set of issues there is basic agreement. As Kevin said, “A fulfilled life is an intentional life. The happy person is aware of his interdependence with his community and the opportunities it presents, adds positive energy to it, but does not let himself become entrapped by tyrannical darkness. Darkness usually comes in the form of narcissism, dependency, or attempts to control. Happy people make deliberate choices in order to experience the full breadth of humanity without getting engulfed by tyranny. A freedom mindset enables one to do so.”

Essentially this point of view commends itself. Of course there are Radical Centrist exceptions to take. Libertarians have a marked tendency to overuse words like “tyranny,” for example. Is it really tyrannical to need to observe vehicle parking ordinances, or to need to fill out paperwork to satisfy OSHA regulations? To call this tyranny goes much too far. So would any comparison to being taxed at rates you regard as too high. Kevin’s libertarian point was that: ”If people believe they have some influence over how regulations that affect them are constructed, they tend to trust the structures. If they see the regulatory authority as separate from them, they resist the control….this is where we are today. Most people today do not believe the government is an extension of their authority.” Ernie took exception to this argument: ”That’s an overly sweeping generalization. Having spent [considerable time] in truly corrupt countries, the kinds of things we complain about here in the U.S. are truly a joke. Most people in the U.S., I believe, are deeply frustrated by a few key areas that they see as completely irresponsible, but are blindly grateful for a whole host of structures that function largely as intended.” People get angry, in fact, when perfectly (or perfectly enough) running systems are threatened, the way that seniors, despite current sympathies with the Republican Party, are very upset with GOP rhetoric about abolishing Social Security, or cutting benefits they paid for over many years.

Kevin also made much, in his book, about the ideals upon which the early republic was founded. Indeed, this is a common Libertarian motif. Here is his take on 1776 and the following several years: “…the Founders were most concerned about vigilance against the inevitable tyranny that comes with unchecked power.
Edmund Burke was perhaps the most specific when he wrote, “The only thing necessary for the triumph of evil is for good men to do nothing.” And, “There is no safety for honest men except believing all possible evil of evil men.”

”Thus, the Founders envisioned a society that was decentralized and barely beyond anarchy, giving the maximum opportunity for individual expression. They understood that human beings seek structure, and structure is part of free choice, but because of the controlling instincts of man and the corruption that power often provokes, they needed Constitutional protection against the threat of others imposing structure upon them.”

Here, Radical Centrists take considerable exception.

Ernie, in referring to something I had said previously, noted that ”glossing over the Articles of Confederation seriously weakens your argument. There’s an important lesson that the Founders learned when they tried “a society that was decentralized and barely beyond anarchy”, and I haven’t seen any libertarians willing to internalize that lesson.”

”That’s my real problem with Libertarian thought: if it were truly a comprehensive theory, it should also be able to identify areas where we have (or had) too much freedom, and require more government. But they very idea appears unthinkable to most libertarians.” In other words, Libertarianism is unrealistic and is ideology driven.

”The Founders,” said Kevin, “believed we needed just enough restraint on liberty to sustain a central government but not too much restraint, so that tyranny would prevail. They were students of history who knew man’s unchecked desire for power usually destroyed individual freedom…” Then Kevin observed that the older he has gotten the more he values freedom.

“Funny, the older I get the more I value constraints,” replied Ernie.

”I treasure the fact that I have marriage covenant that binds me until “death to us part”, and children who are a fixed point of need independent of my feelings. I like it when my church raises the standards for membership and leadership.” The principle can even extend to computer applications which impose one or another discipline such as following a diet regimen or providing reminders about when to exercise.

“Are these voluntary? Sure, but so it is citizenship. Changing countries these days is no more difficult than changing jobs, and in fact in some ways quite easier. Libertarians seem to think that the State is some magical beast with superpowers over individual lives that require extraordinary measures to keep in check that don’t apply to other communities or relationships. I see them as a continuum.”

”Also, the older I get the more I realize the non-dichotomy between freedom and constraints. Perhaps surprisingly, stronger constraints can actually increase freedom along a different axis. Regulation of food vendors means I have greater freedom (lower transaction costs) when choosing a restaurant.”

“The real question…..is whose freedom are we protecting, and from what? The Founding Fathers were mostly concerned with protecting the property-owning class from government, but who protected their workers (and slaves) from them?”

”This isn’t a simple-minded cry about hypocrisy….. My hypothesis is that the most “Libertarian” of the Founding Fathers were precisely those who kept slaves and lived as mini-monarchs on their plantation, where they provided for most of their own needs through the work of laborers who were anything but free. The more commercial of the Founding Fathers were actually more for central government, as it improved the efficiency of business. That’s might also be why I seem to see a lot of economists arguing for libertarian
economics, but very few entrepreneurs and CEOs.” Radical Centrists gladly grant one premise of Libertarianism: The fundamental human right is the freedom to decide for myself what is good. But Radical Centrists insist upon another principle, as Ernie put it: The fundamental human responsibility is the duty to decide for myself what is good.

That is, freedom is not doing whatever I want, but the ability to decide for myself what is Good. But it carries the responsibility to discern what is Good.

This is the great divide between Libertarians and Radical Centrists. The qualification to make is that, as individuals, many Libertarians have moral codes they regard as essential, whether derived from religion or from cultural standards and conscience. However, and the “however” is non-trivial, there isn’t much by way of Libertarian morality except whatever can be deduced from the ideal of maximizing freedom. And Libertarians mean, in Rousseau’s sense, only negative freedom, the demand to be left alone and not imposed on. Positive freedom consists of rights that a community bestows on people the way that children are free to receive an education paid for by others, or the benefits conferred on veterans which give them the freedom to be treated in VA hospitals or to attend college. About which Libertarians are essentially silent.

There was also correspondence from myself to Kevin, in reply to his book chapter. This should give the reader an idea of where we are coming from. My approach was to write a short essay concerning Kevin’s interpretation of early American history. Because this era of history looms large in any kind of political theory citizens want to feel that they are being true to the ideals of the Founders. As Americans we base our sense of lawful and unlawful, of political right vs wrong, and much of our identity on the US Constitution.

The Libertarian interpretation of these years has serious shortcomings. But not about the religious foundation of the nation. At least concerning Kevin Kervick, we are essentially on the same page. And also equally at odds with the Religious Right’s view of the Founding Fathers as devout evangelical Christians and the secular Left’s view of the same people as equivalent to modern-day free thinkers and Atheists, in any case, only minimally concerned with religious faith.

The era from roughly 1760 to 1795, extending another two decades or more in some places, was a time of Deist leadership in America. This was decidedly true for Thomas Jefferson and to only slightly lesser extent for figures like Ben Franklin and James Madison. Even Washington, for some years, had Deist sympathies.

Yes, there were exceptions like Patrick Henry, a staunch religious conservative, Thomas Paine, a Leftist Free Thinker, but the “theme” of the period was one of America’s version of the Age of Enlightenment, believing very much in a customized interpretation of the ideal of philosopher kings, in our case, philosopher elected officials.

You cannot really compare Deism to any modern-day religion, there is no actual equivalent. But it wasn’t, or isn’t, the same as either contemporary Evangelical Protestantism or an 18th century version of Atheist Humanism. Maybe the best thing to say is that, in Deism, philosophy takes the place of theology, and “God” is more like the God of Plato than anything else. However, Deist culture was Protestant-intellectual and it was Protestant in terms of morality.

About this, while many Radical Centrists are Evangelicals, and we have a Jewish member, and others of their own persuasions, and each of us all along have followed our own faiths without compromise of anything, the record of history is what it is. To seek to mythologize the era of the Revolution is not something we are prepared to do. Kevin Kervick agrees, even moreso.

But when we get to the years after Independence, that is where there are issues. Following are my comments to Kevin, somewhat edited here, but essentially as they were first written–
Your analysis of the early years of the American republic has some problems. As a suggestion, and admitting they were friends though it all, you may want to think of Jefferson and Madison as opponents. When Madison succeeded Jefferson in the White House there was a distinct break in policy. This break traces to the era of ratification of the Constitution, about which, while Jefferson was a supporter, it was not without serious misgivings.

As he saw it, the Constitution should be jettisoned after a generation or so, when it had done its job and we would all be ready for an early version of minarchy. Madison was anything but impressed with that idea, nor were most of the other Founders—and for good reason. The period when the Articles of Confederation were in effect was a mess. Minimal government, which is what the Articles gave the new nation, proved ineffective, inefficient, and something that put the nation at risk from our enemies. And that was our best test of what we now call libertarian ideas.

Essentially the issue is this, we are at war. Not now and then, but permanently. When there are no battles what exists is a state of truce; but there is no such thing as actual Peace—there never is. Nor can there be, because of human nature.

We are a war-dependent species. Which is not my theory, but that of Steven Le Blanc in a 2003 book, Constant Battles. The subtitle says it all: The Myth of the Peaceful, Noble Savage. And the evidence is overwhelming, human beings are continually at war, somewhere, and soon enough, right here, wherever “here” happens to be. We are psychologically predisposed to fight, and fight we will, it is in our genes as an optimal conflict resolution method.

Madison learned just how dangerous minarchist thinking can be. We almost lost the War of 1812, it was anything but the retrospective walk-in-the-park that popular history pretends it was. We lost the great majority of actual battles and, at sea, with a miniature fleet, we were outgunned by the British constantly, with almost no recourse. We did win some major sea battles, but to say the least, this was not always the case.

The point is not that you are somehow “wrong” about the social psychology of politics—a view outlined in your essay. Actually, your view is smart, perceptive, and I intend to work with it in the future. No problem to see all kinds of advantages in it. It is Very worthwhile. So, as I become able to do some fresh thinking and carry out some new research along those lines, I expect to do some shameless borrowing from your approach. BUT with a set of assumptions that are different than yours, especially the position it now seems necessary to adopt, that any political philosophy must presume that we live in a dangerous world. All the time.

Because of our power and the moats that surround our nation, people often take the view that isolationism—whatever it is called—is an option and that we actually have the luxury of devising political systems that are predicated on the leave-me-alone-and-I’ll-leave-you-alone hypothesis. But this is an impossibility. Our situation is no different than that of any other nation, which is to say that to understand things for what they are, think of Israel. That nation simply has our problems at macro-scale, and so obviously that no-one can miss them.

The only time we really had to face this reality for what it is, at least so far, was WWII. And to lesser extent the continuation of the war when we faced off against the Soviets until 1989. Now it is Islam, and our troubles, when you analyze them, are directly related to the “enemies problem,” that is, to threats against us whether we want them or not.

Conclusion

In conclusion, written after the exchanges above:
Whatever proposals for dealing with political problems we make, our perspective is that we need to take into full consideration the views of those who oppose us—so that we can learn truths we otherwise might have never even found out about, but also so that, in time, we may prevail in any contest. Simultaneously, we try to be realistic. We also seek alliances with people who can benefit from becoming part of our movement as we try to contribute to their successes in what they do and what they freely choose for themselves.

This is what Radical Centrism is all about. We discuss issues in fresh new ways. We value diversity of opinion but have no interest in giving undue attention to partisan political positions, Right or Left or Other. We think that our way of approaching issues is superior to anything else currently available. And we would like to think that in not too many years a majority of Independent voters will think this way also.

We cannot trust the Republicans or the Democrats to tell us the truth about anything. We have to find out the truth for ourselves.

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A Radical Centrist Vision for the Future

D. Related Resolutions

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D.1 Religious Heritage Resolution

America was founded by a combination of Christian believers, Jews in several states, and by Deists like Thomas Jefferson and Free Thinkers like Thomas Paine. The obvious majority were Protestants like Patrick Henry, John Adams, and George Washington. There were also very ecumenical individuals who defy classification such as Benjamin Franklin.

Although in no manner or form was the original United States a theocracy there is a sense in which it can be said that America began as a “Christian nation.” Indeed, Alexander Hamilton, later in his abbreviated life, became a convert to evangelical Christian faith and supported an Amendment to the Constitution which would have decreed that the United State is a “Christian nation.” And informally this was assumed by most contemporaries, who took the view that freedom of religion, as a practical matter, was primarily intended to keep the peace between contending Protestant Churches. Still, there also was a broader sense which referred to other faiths that might be compatible with Christianity. And this sense, in time, became predominant.

But let us not forget or overlook the foundational nature of America when the vast majority of citizens were Protestant Christians and when Protestant values were taken for granted as normative and good. The United States began as a (Protestant) Christian nation even if this was not formalized into Law and even if there was toleration for Catholics, Quakers, Greek Orthodox, and others

This sense has as a subtext respect for the religious minorities which participated in the Revolution and contributed to its success and to the rise of a constitutional form of government. Additionally, it should be pointed out that Hannah Adams, a daughter of the extended Adams family, was, as some historians say, the first scholar of Comparative Religion in history, someone who showed respect for the religions of Asia, particularly Hinduism and Buddhism, even if knowledge of these traditions was far less than perfect at that
time. Later American thinkers like Emerson and Thoreau would study these Asian religious ideas and values and make them their own.

Moreover, although Americans of the 18th century and the first decades of the 19th century most often more than anything sought to convert Indians to Christian faith, there existed from the outset among an important minority, including Franklin and Jefferson, sincere appreciation for native spirituality, to the extent that some ideas based on Iroquois tradition can legitimately be called one of the inspirations for the US Constitution itself.

But from the beginning Islam was regarded as a religion apart from all others. The reason that Jefferson had a copy of the Koran was not because of some kind of inspiration from it, but because he recognized the problems which Islam posed for the new nation as Muslim Pirates from North Africa terrorized Americans who sailed the Mediterranean Sea. John Quincy Adams also understood the same thing and wrote about Islam in The American Annual Register for 1827—1829, published as a book in 1830, the essay in question entitled, “Christianity—Islamism.”

There is some question about authorship since the article is unsigned. However, we may regard the writer as someone who, at a minimum, certainly shared many of Adams’ values and who probably was the Adams even if we cannot be altogether sure. Adams would have had opinions on the subject due to his role in international affairs in that era.

Here are the relevant parts of—presumably—John Quincy Adams’ comments:

“In the seventh century of the Christian era a wandering Arab…..combing the powers of transcendent genius with the preternatural energy of a fanatic and the fraudulent spirit of an imposter, proclaimed himself as a messenger from heaven, and spread desolation and delusion over an extensive portion of the earth.

Adopting from the sublime conception of the Mosaic law, the doctrine of one omnipotent God, he connected indissolubly with it the audacious falsehood, that he was himself his prophet and apostle. Adopting from the new revelation of Jesus, the faith and hope of immortal life, and of future retribution, he humbled it to the dust by adapting all the rewards and sanctions of his religion to the gratification of the sexual passion.

[ Muhammad ] poisoned the sources of human felicity at the fountain, by degrading the condition of the female sex…..and he declared undistinguishing and exterminating war as part of his religion against all the rest of mankind. The essence of his doctrine was violence and lust; to exalt the brutal over the spiritual part of human nature.

Between these two religions, thus contrasted in the characters, a war of more than twelve hundred years has already raged. That war is yet flagrant; nor can it cease but by the extinct[i]on of that imposture, which has been permitted by Providence to prolong the degeneracy of man. While the merciless and dissolute are encouraged to furnish motives to human action, there never can be peace on earth and good will toward men. The hand of Ishmael will be against every man, and every man’s hand against him.”

Contemporary actual scholarship, while it tells the story in different language and makes distinctions among Muslims which Adams was not aware of, nonetheless makes much the same argument. Which is to discuss legitimate scholarship, not the ersatz version which is at the service of Leninst-inspired philosophy—called by other names but common among political Leftists, especially in academia, the mass media, and groups associated with Arabists in the State Department.

That is, with due allowances for many Sufis and for Arabs and Iranians and other people from the Mid East and elsewhere who share in a common culture but who are not zealous Muslim believers, including individuals who deserve our admiration, otherwise Islam needs to be understood for what it is, antithetical to
American democracy, and incompatible with the beliefs and values of the first citizens of the Republic.

But America was not founded on opposition to any religion; rather it was founded largely on Christian values, upon freedom of conscience to follow any faith which shared, or mostly shared, essential moral principles with Christians, and upon philosophies of liberty popular in the 18th century, generally referred to as Enlightenment thought. This mixture has served us well from that time to this and allows new faiths to join in our shared spiritual tradition, from the Mormons of the 1840s to the Chinese Confucians of the 1890s to the Baha’is and Zoroastrians and Goddess devotees of the 20th century.

America’s Christians, moreover, have often shown great forbearance and toleration for non-believers, and some of our most admired historical figures, such as Mark Twain and H.L. Mencken, are in this category. While this has not stopped other Christians from criticizing Atheists, such people have always had the right to their views, including the freedom to publicize irreverent opinions and to criticize Christians.

All of which is to say that Christian faith, which whatever else may be said, was foundational to the Republic, deserves full respect and due acknowledgement for its contributions to the origins of the nation and its subsequent history. This should include freedom for Christians to place symbols of their faith, in socially respectful ways that do not infringe on the rights of others, in public places.

It also means such taken-for-granted customs as singing Christmas carols in public schools should be protected by Law, as should use of church facilities for graduations when adequate school auditoriums are not available, and prayers that mention Jesus at public events.

Moreover, this Resolution recommends that America’s Judeo-Christian heritage should be acknowledged in all appropriate venues and given due credit for making the United States the nation it is today. Basic Christian and Jewish values such as the importance of honesty, kindness to others, conscientious work, respect for education, and the like, should be promoted freely even if other virtues we may most often associate with faiths like Buddhism, such as the virtue of choosing a vocation that is right for the individual, may be added for common benefit.

This Resolution clearly means that modern-day equivalents for Deism are also due respect, and likewise other religions except any that are incompatible with the values enshrined in the Constitution. This Resolution is intended to encourage free expression of faith, and to safeguard believers from harassment and attack by anti-religious zealots seeking to deny Christians or Jews or anyone else within the purview of comments made here their rights to faith.

In no way should this Resolution be construed to limit freedom of speech as sanctioned by the First Amendment.

**D.2 Visual Literacy Resolution**

The time is past due for the visual arts to be considered as having essential status in educational values. This principle applies to the way that visual symbolism is treated in the mass media and other communications media inasmuch as the “press,” which means all news sources, has constitutional standing as essential to democracy.

There are many times when visual illiteracy costs us dearly. In the year 2000 the format of ballots in Florida was so confusing to many voters that, by common consent, significant numbers of candidates, because of how the ballots were designed –by someone who was visually near illiterate– did not make it clear exactly
who you might be voting for. Had the modest expense of hiring a good graphic artist to design ballots been approved this major problem could have easily been avoided, which would have saved the entire Electorate weeks of anxiety, would have made it unnecessary for the Supreme Court to have become involved, and would have kept expensive lawyers out of the picture entirely. We also would, as of our own time, be far more assured that the final tabulation of votes was accurate.

Unfortunately, far too many people regard “art” as frivolous and not that important. As if flag art (vexillology) doesn’t matter, as if the millions spent on advertising has no effect on how we spend billions of dollars on purchases of many kinds, and as if none of us have any stake in women’s fashions, the “look” of computer devices, brightly colored signs which tell us what restaurants to patronize, and innumerable other things that are part of our lives, every day.

As well, because of gross misunderstanding of visual symbolism, the mass media continually misrepresents such things as swastikas, six-pointed stars, crosses, and so forth. This has effects on everything from lessons in school to Hollywood films to politics. The time has come for American citizens to be informed about the real meanings of common symbols. And to appreciate the many artistic possibilities in symbolic design.

Consider six-point stars. According to TV, these symbols necessarily stand for Judaism and only Jewish faith. Not that this identification is unreasonable. This style of star is featured on the flag of the state of Israel. In Jewish tradition the star is called a Magan David. And it certainly has a rich heritage in Jewish history.

Yet the star only became a dominant symbol in Judaism in the 19th century. Before that some version of a menorah was the usual form if identification.

Why it matters now is that, in a global economy and an increasingly global culture, people are more and more exposed to very different six-point star usages. The symbol has Hindu meaning in India, for example, and even can be found in much Islamic art of past centuries. How was this possible? Because, in the past, few Jews used the star as representing their religion. As well, various American Indian tribes use the design, such as the Apache, and the meanings they give it are unrelated to Judaism. This is worth knowing.

Similarly for the cross, which appears in many non-Christian contexts around the world, as does the crescent, nowadays associated with Islam almost exclusively, but in the past having Chinese, Japanese, black African, Maori, and still other associations.

Where the biggest problem arises, however, concerns the swastika. As far as the mass media and the movie industries are concerned, the only conceivable meaning is Nazi Germany, Hitler, and the Third Reich. This kind of view does all of us a great disservice and must cease. Such a view is based on ignorance of history, ignorance of the visual traditions of religions, and ignorance of the heritage of graphic art and architecture in our culture.

In the early 2000s the European Union began to take steps to outlaw the swastika in all forms and all venues, on the grounds that it was an irredeemable symbol of hate. The breath-taking ignorance of European legislators soon became apparent, however, when large-scale protests broke out in Great Britain, led by Hindus, with smaller scale protests on the continent led by followers of Falun Gong. It seems as if the swastika has central importance in Hindu religion and in Falun Gong—where it derives from Buddhist precedent. While there apparently were no protests by followers of Jain religion, such people surely were also very concerned since the swastika is the main symbol on the flag of Jainism.

This has other practical considerations. While the company closed down some years prior to the controversy in the 2000s, until the 1970s the Scindia Steamship Company of India regularly sailed its ships into German ports. The flag of Scindia was blue, with a large white circle in the middle, and a red swastika within the
circle. This design had been in use before the rise of the Nazis and was known about and praised by Gandhi.

Current relevance concerns the wide use in India of swastikas for many purposes. Such usage dates back at least 5000 years when the symbol was common in Harappan culture. It is pervasive in modern day India and is a popular decorative device for Diwali, more-or-less the equivalent, in that country, as Christmas in America.

Hindus have two official flags, one with a stylized OM, the other with a swastika. In India the swastika is auspicious, it stands for good fortune, for love between men and women, and for divine blessing. And it is used in the names of at least 500 commercial companies, as a “bumper sticker” for motor vehicles, etc, and even as a name for people of either sex, most famously, Swastika Mukherjee, the film actress.

Obviously this has implications for Israeli – Indian relations in a time when an important trade and military alliance between the two nations exists.

To be very sure, there is no way that Jews can forget the Holocaust. Nor should they, nor should anyone else. However, continued association of the swastika exclusively with the Nazis is a major mistake that needs remedy.

Among other things is denies part of Jewish heritage. The Second Temple, in Jerusalem, featured rows of swastikas at the Hulda Gate. And, to refer to only one other example, the historic Ein Gedi synagogue has a large unmistakable swastika in the center of the floor, created from mosaic tiles.

This is also a time when people everywhere are rediscovering their forgotten past. Among many popular rediscoveries are the uses of swastikas centuries ago in places as diverse as Ethiopia, where the design has never passed out of use as a form of the Christian cross, Tajikistan, Finland, Lithuania, Ukraine, Portugal, Ireland, France, Italy (the Vatican has elaborate swastika art in its architecture), Great Britain (where, among many other locations, Oxford University has swastika-tile floors), Denmark (it was the symbol of Carlsbad Beer for many years), Indonesia, Nigeria, Argentina, Brazil, Peru, Canada, New Zealand, Australia, the Philippines, and many other countries, including the United States of America.

In some countries the swastika is as current as it has ever been throughout their histories. This is the case for Japan, where the symbol is known as a manji, Iceland, Latvia, Estonia, Nepal, Sri Lanka, Tibet, Singapore, Korea, Taiwan, Mongolia, Viet Nam, the Basque area of Spain, the Cuna tribal area of Panama, and the Pennsylvania Dutch area in Pennsylvania.

In all these cases the swastika has entirely benign meaning, for instance, in Buddhism it stands for Buddha’s heart and for compassion.

In this connection a common myth should be dispelled. It simply is false that the Nazis took the “good” swastika design, facing to the Left, and reversed it by turning it to the Right, making it evil. In actual fact there are many conventions throughout the world about which way the swastika should face, and in many cultures it makes no difference whatsoever, which is true for most American Indian tribes that use the symbol. For the record, the Hindus usually prefer Right-facing swastikas and Buddhists usually prefer the opposite. However, there are many exceptions and, for that matter, Hindus use the “Buddhist” version fairly often, in which case it is referred to as a suavastika and is generally associated with female qualities or Goddesses.

It is also worth knowing that the Red Swastika Society is the Buddhist equivalent of the Red Cross, and has used the symbol since the 1920s. More recently a Hindu version of the red Cross, known as Red Swastik (without a final “A”), has organized in India and now counts as members large numbers of medical personnel and hospitals. The short form “swastik” is also made use of by rock bands, stores, hotels, and so forth.
All of this is anything but trivial. Nor can it continue to be swept under the rug. And to continue to regard it as some sort of “embarrassment” is completely unjustifiable.

About 55 miles from Eugene, Oregon, where this is written, there you will find Swastika Mountain in the midst of the Umpqua National Forest. You will find Swastika Lake in Wyoming, Swastika Trails in several states, a number of Swastika ghost towns, –most well known is the one in New Mexico, not far from Raton—the village of Swastika in upstate New York, not far from Plattsburg, and all kinds of historical sites, like that for Swastika Ranch not far from Lubbock, Texas.

Swastikas feature in the architecture of many famous buildings in America:

- on the exterior of the Baha’i House of Worship (Temple) in Wilmette, near Chicago, in the Senate Hearing Room in the Capitol, on the ceiling of the lobby of the Supreme Court, within the Smithsonian Institution in Washington, DC, on parts of the Palace of Fine Arts in San Francisco, on the floor of the old Public Library (now a cultural center) in Chicago, in the state capitol in Frankfort, Kentucky, in fence designs at Monticello, and so forth, to mention just some of the more well known examples.

As well, approximately 100 American Indian tribes made extensive use of swastikas, known by Native American names like Tasita, for the Hopi. These tribes include the Navajo (many classic items of jewelry show swastikas as do many carpets), the Cherokee, the Sioux, the Pueblo, the Zuni, and the tribes of the Northwest Coast. Many of these tribes are now reviving use of the symbol.

The one state where something of the old historic traditions of American swastika use still can be found is New Mexico, where the famed KiMo Theater uses swastikas in its ornamentation, and where people still remember the Swastika Garage, the Swastika Railroad, the Swastika Coal Company, and much else. In Oklahoma some people still recall that the shoulder patch of the 41st Infantry Division, changed to a thunderbird in about 1940, had been a gold swastika on a red diamond shape.

Moreover, visit any Chinatown and keep your eyes open. At the Chinatown in Portland, Oregon, one restaurant, on the same block as the Jewish museum of Oregon, has over 70 swastikas in its ironwork decorations. Across the street from the museum is the Chinese Garden with possibly 100 Oriental-design swastikas. But if you are Jewish and love Chinese food……..

Or if you are Jewish and love education, there is the University of Oregon and the ERB Memorial Union and its large brass swastika window on the staircase landing between the first and second floors.

If you are of any ethnic origin, there are more modern examples to refer to. Just one of about 200 modern commercial uses will suffice: The symbol of JP Morgan Chase Bank is a stylized swastika.

A good deal of computer generated fractal art comes out as fancy swastika designs.

But there is much more to visual literacy than even swastikas and their meanings.

This Resolution is intended to make the public conscious of the importance of graphic art, symbolic design, and our visual heritage. It is also intended to remind the educational establishment of its responsibilities to all students, and the public, to make the value of graphic arts obvious, and to encourage respect for religious and cultural traditions from around the world that are now at home in many American communities. This Resolution is also intended to point out to the media that it has special responsibilities to educate the public about the meanings of sacred symbols, that it has an obligation to be fair and honest, not to abuse its special constitutional rights by perpetuating stereotypes about swastikas or, for that matter, anything else. About this, the Law may well have something to say and actions that may be taken. Wilful deception of the public is not protected by anything said in the First Amendment.
More positively, this Resolution is meant to promote useful and helpful knowledge about graphic art and about symbols and art more generally. It is intended to facilitate better relations between people with different cultural and religious backgrounds, to enable US citizens to better appreciate art forms that they may now be unfamiliar with even though, in cases, these forms of art had been intrinsic to American visual culture in the past. This Resolution is meant to inspire artists and designers to make contributions to the visual environment of all Americans in new and beautiful ways.

For further information contact the Swastika Club of America, also known as Swastika Club International, established by the author in 2004, which is headquartered in the United States, or Friends of the Swastika, which has its headquarters in Canada. There are other groups with similar goals and which are anti-Nazi in their values, including one in Poland—about which more cannot be said here because all of its publications are in the Polish language. Similarly there is a large group in Russia.

A caution is in order: Some groups seek to revive the swastika but, even though they may be anti-Nazi themselves, espouse ideas and values that may be strongly objectionable, such as the Raelians, infamous for a human cloning hoax, for sexual perversions, and for the egomania of its leader. For a fact, the Swastika Club and the Friends of the Swastika group reject what the Raelians stand for.

### D.3 Evolution and Sociobiology Resolution

This Resolution takes the view that we are all immeasurably better off when we understand the principles of evolution and apply the lessons of sociobiology to our lives.

Here is why:

It is unarguably true that science changes from one generation to the next and that we must always be prepared to revise our conclusions based on new empirical evidence. However, this is not to say that science is somehow unreliable or too relativistic to be trusted. On the contrary, the achievements of science speak for themselves, and it is from science that enormous advances have been made in medicine, computer technology, engineering, chemistry, and countless other fields, including the behavioral sciences, especially disciplines such as demographics.

And while the discoveries and theories of Charles Darwin are now more than a century and a half in our past, there can be no doubt that his insights and the evidence he marshaled on behalf of his views have had profound effects in innumerable areas of life. In terms of the biological sciences, all such science is now Darwinian to some or great extent. All biology, it can be said, is evolutionary biology.

This hardly denies the contributions of people like Gregor Mendel, for instance, but the point is that even the newer field of genetics has proven to be completely compatible with most of the basics of Darwinian evolution. Mendel compliments Darwin, he does not negate Darwin and, instead, makes evolution more understandable and even more empirically grounded.

This is not to say that some aspects of evolution necessarily support various philosophies or political positions. There have been a variety of claims to this effect, but few are “necessary” in an objective sense. After all, evolution can be interpreted as showing how humanity arose over millions of years of prehistory, guided by providence, or as something which Spirit was self-actualized within and “hitched a ride” on, through eons of time, emerging into our world as the modern men and women who created civilization.
Evolution can also be interpreted as supportive of Atheism, as a process guided by circumstances, without purpose, and about which our best course of action is simply to make the most of our situation as we find it in life. This particular view is as metaphysical as its opposite viewpoint, Creationism, and is about as likely to be right, viz, not very. For as R Buckminster Fuller once said, we must take note of an undisputed fact, the potential for intelligent life, for civilization, for every human quality and value, was built into the “nature of nature” from the very beginning, from the instant of the Big Bang, or from the time when the universe emerged from a titanic cosmic oscillation, depending on your preferred theory of cosmology. Or something else for all anyone can say.

The point is that the potential for all we are was present all along. This can hardly be accidental, and to dismiss all purpose out-of-hand surely is arrogant in extremis.

What should also not deserve to be dismissed is the new science of sociobiology, or as it sometimes is referred to, evolutionary biology, with a sub-speciality known as evolutionary psychology. Yet this is exactly what is done, not only by people on the political Right, who are generally unfamiliar with this science and who could care less, but also on the political Left, especially by gender feminists who often do know something about sociobiology but reject it because acceptance would destroy many of the premises of feminist ideology they are committed to as their de facto religion.

But, like it or not, and a trip to the zoo should make this clear enough, our own behavior and propensities are obviously related to that of other animals from the wild, especially mammals, but by no means excluding earlier forms of life from which mammals evolved. That is, all of us are, in effect, partly hirsute primates, partly arboreal creatures similar to lemurs, partly rodent-like, and so forth, all the way down to fishes. Hence the title of a 2008 book by Neil Shubin, provost of the Field Museum of Natural History in Chicago, Your Inner Fish. The subtitle spells it out: A Journey into the 3.5 Billion Year History of the Human Body.

We are, in every cell of our bodies, descendents of earlier species and we retain characteristics of many of our remote ancestors, numbers of whom have modern-era analogs in life forms that are currently alive.

The science of sociobiology was invented by Edward O. Wilson and was popularized in his 1975 book: Sociobiology: The New Synthesis. The term “synthesis” is important inasmuch as this science makes reference to various fields of research, including zoology, archaeology, population genetics, anthropology, sociology, behavioral ecology, etc., and also social psychology, as well as, obviously, biology.

The purpose of this science is to identify, from both the evolutionary record and from examples of animal behavior by analogous species, what kinds of behavior in humans is adaptive and essential vs. what is optional and open to modification. Needless to say, this is what most makes the field controversial since there exist several political ideologies which outright deny that human nature is in any way behaviorally restricted by biology. For such ideologues, both on the Left and on the Right, and sometimes “other,” we are totally free agents who can do whatever we want and there will be no natural consequences. Sociobiologists regard this outlook as hopelessly naive, false to every relevant fact, and self destructive.

For example, human sense of territoriality is built into our psyches as an optimal way of organizing our lives spatially. All human societies have their own philosophies of territory, but all have some kind of territorial imperative to guide them. It is inescapable.

Sociobiology says that such feelings as altruism, whereby we help one another, sometimes selflessly, has adaptive evolutionary value and to live lives of pure selfishness not only is destructive in a moral sense but functionally.

We also are competitive by the design of nature, therefore social theories predicated on the view that all life
should be non-competitive are completely foolish and unrealistic –if not suicidal. Sexual competition is very much built into our genes as well. Hence, while feminists and other so-called “enlightened” people descry such things as beauty contests as retrograde or sexist or the like, the fact is that life for all women is an ongoing beauty contest and the sooner a girl realizes this fact the better her chances for making decisions that will help her find a mate she prefers and who will enable her to pass her genes on to a new generation.

When a woman does give birth, she exhibits a behavioral pattern that is intrinsic to most if not all mammal species, and numerous other kinds of animals, protectiveness of young. This is not some kind of “choice.” It is part of being human, especially for females.

Sociobiologists are currently trying to identify as many other biologically derived traits as possible. What is already clear is that some “free choice” behaviors are utterly stupid and that those who indulge in them are deluded or, as the case may be, trapped by a false ideology into doing things that are antithetical to one’s self interests. Chief culprit in this is gender feminist ideology, although it has competition for the Dysfunctional Prize from various kinds of religion, also from Marxist-Leninism and Neo-Marxism, from what is known as Political Correctness, from naive romanticism, from various forms of asceticism, and so forth.

That is, some ideologies are demonstrably ruinous to people, including some popular ideologies with millions of followers.

One set of objections to sociobiology has it that this science is a from of biological determinism. Actually what it is, is a recognition of limits that, when transgressed, lead to disaster. Usually, although not always, these very sensible limits are enshrined in moral codes which have religious foundations. However, some behaviors are not addressed all that well by various religions.

For example, is it some sort of truism that polygyny is non-viable given free will and that it is being relegated to oblivion? Or that if men can have multiple wives it should be equally valid for a woman to marry multiple husbands? The evidence is non-ambiguous once you seek hard facts and set aside ideology. Polygyny is not going away at all, it simply takes new forms, like Rock star groupies or serial monogamy. And as for polyandry, it only works for any length of time when all husbands are brothers. By the way, polygyny usually works best when wives are sisters. All of which is now known as empirical fact.

In other words, so-called social reforms that ignore the evidence of sociobiology are doomed to failure. This impacts mostly on human-plasticity ideologies of the Left even though a number of conservative religious beliefs also turn out to be ill-advised and guaranteed to invite misery.

As the well-researched Wikipedia article about sociobiology points out, there is reason to take the view that “socially progressive societies are at odds with our innermost nature.” That is, SOME “progressive” values do not work and have, as a predictable outcome, personal or social catastrophe. It is important to stress that this is also the case for various forms of religion-motivated causes. In other words, ideologies of both Left and Right, plus unclassifiable, can be empirically evaluated in terms of results. Or can be in the future; at this time there remains far more work for sociobiologists to do than they have accomplished.

As the article puts it, sociobiology ”’ begins with the idea that behaviors have evolved over time…[ and it ] predicts therefore that animals will act in ways that have proven to be evolutionarily successful over time…”

Mess with nature and nature will demand that you pay a price.

Or, conversely, co-operate with nature, and life, in all probability, will go smoothly with good outcomes.

The fact is that inherited behavioral propensities were chosen by natural selection and are adaptive to our species, or almost always are. In a select few cases the demands of civilization have rendered traits as problematic in modern cities or while using the latest technology, but the best thing to do is to recognize these limitations as unavoidable and not pretend they don’t exist.

This Sociobiology Resolution says that some occupations are, for evolutionary reasons rooted in biology, suited better for one gender than for the other. This should not be interpreted to mean a return to the situation a century ago, but, for instance, women in combat should never be allowed, nor mixed gender military units, and so forth. In civilian life, maternity leaves for women certainly are a good idea but the counterpart, paternity leaves for men, usually are near-absurdities.

Similarly, a man can certainly take sexual advantage of a female in some circumstances and the result would be considered non-consensual rape and a decided problem for a young woman. But when a women “takes advantage” of a male, even one who is younger, only an idiot would regard this as a disadvantage for him. The exact opposite is the case. We are well within our rights to protect the very young of either gender, but beyond puberty is another story altogether and law ought to reflect exactly this.

Because science does change and always needs to be updated by new evidence, it would be best to limit recommendations here to Resolution form. However, the strongest possible force should be attached to the principles described here. We need a realistic understanding of human nature and we need to put an end to all varieties of feminist nonsense once and for all, that is, all forms of feminism that are anti-evolution. We also need to put an end to denial of evolution by many on the political Right, who advocate a set of values that are anti-science and that harm the intellectual development of the young and, years later, of adults who have grown into voting citizens. This is especially important inasmuch as the source of wisdom of many conservatives, the Bible itself, is supportive of the concept of evolution, and thus this holy text is misinterpreted because of an error in theology. As Wisdom of Solomon says in verses 18 and 19 of chapter 19:

…”the elements combined among themselves in different ways, as can accurately be inferred from the observation of what happened. Land animals took to the water and things that swim migrated to dry land…”

This may be the earliest statement of the theory of evolution in existence.

A Radical Centrist Vision for the Future > Appendix > E. Jon Roland’s Draft Amendments (next)
Because of this superlative study of Jon Roland we can now see exactly what some of those flaws actually consist of. And, therefore, it is time to correct the problems. About which other Constitutional scholars might say, “it is long overdue.”

Until now there has been no one source to turn to, to focus on the problems.

To repeat the point, it is easy to disagree with some of Roland’s remedies. For example, why is memorization of large parts of the Constitution necessary in order to choose electors? You can be a very accomplished sociologist or scholar of Civil War history, etc., without memorizing entire sections of a seminal text in your discipline. What is crucial is understanding meaning and the ability to make practical use of your understanding. Yet Roland insists upon memorization in one of his Draft Amendments as a basic and necessary qualification. And there are similar problems scattered throughout.

Some of his recommendations are needlessly complicated despite what seems clear was his intention to create elegant solutions to the problems he addressed.

As a general criticism, there is over-use of legal language. A better style of presentation would have been, for example, to only use legal terminology when there is standard English explanation immediately following. It must be questioned, after all, if even lawyers understand 100% of the Latin or Latinate words they may use. Furthermore, any serious reform effort will necessarily require appeal to the educated public; most of this public does not understand, or understand very well, legal language. We can hope that this problem will be addressed in the future.

Also, there is plenty of room for disagreement with some of Roland’s suggested substantive Amendments. A few are not in harmony with the some of the Amendments in A Radical Centrist Vision for the Future, and in a couple of cases conflict with them.

This said, Roland’s achievement deserves full credit and congratulations.

As it is, for the most part he simply wants his suggestions debated and to see the ideas he puts forward become important on the political agenda. This should, in his view, lead to some new Amendments, but in most cases things do not need to go nearly that far to achieve the desired effect: Serious reform in how Americans interpret their constitution.

Because this is an on-going professional interest of Roland, here is a link to his site: jon.roland@constitution.org

The following material appears verbatim, with permission, as published at:

**Draft Amendments / Amend It!**  
*The place for those with proposals and debate on constitutional amendments.*

This site is maintained by the Constitution Society.

You may wish to access the site now and then to see what new suggestions for Draft Amendments have been added, or to see if any revisions to existing draft amendments have been made.

Before you is a critical resource for study of the US Constitution.
Draft Amendments to U.S. Constitution

This is a collection of draft amendments to the Constitution for the United States. These should be regarded as short position statements on constitutional construction. It is subject to frequent additions and revisions, so readers may want to revisit often.

There are three groups of amendments: Clarifying, Remedial, and Substantive. The Clarifying are intended only to return legal practice to original understanding. The Remedial are intended to correct errors and omissions. The Substantive are intended to add some additional powers that many people might think the national government should be authorized to exercise. They are intended as much as anything to highlight that the national government presently does not have such powers.

It is not proposed that state legislatures petition Congress to call a constitutional convention, but rather that they propose identical amendments to Congress to be adopted as proposed amendments and sent back to the states for ratification. The task for reformers would be to unite behind identical versions and not accept variations. However, the main focus is not, for the clarifying amendments, on actually getting them ratified, but on using them to drive reform in legal practice.

Such proposed amendments provide a way to allocate our efforts and measure our progress. Using them, we can determine which officials can be redeemed and which must be replaced, at both the state and federal levels. We can also determine what we have to do to get enough public support, by measuring how much support each has among which groups of people. It may happen that with enough support by enough people in the right places, the amendments will not have to actually be adopted, but we may also be able to determine which need to actually be adopted to prevent backsliding. During the course of debate we can also discover weaknesses in the language of the amendments requiring further clarification, to avoid future misinterpretation.

We will be adding pages with links and white papers explaining and discussing each amendment, linked from the title.

Some may prefer not to advance these statements as amendments, but as positions to be demanded of decisionmakers and fellow citizens. Preambles for each purpose will be provided for each by clicking on its title. Just prepend the preferred preamble to the text of the amendment before asserting it.

Strategy. Discussion of the way these amendments and the reforms they represent might be advanced.

Clarifying amendments — These do not make substantive changes in what was originally understood:

Clarification of “right”

In this Constitution all rights are immunities against the action of government officials, not entitlements to receive some service or benefit. Every immunity is a restriction on delegated powers, and every delegated power is a restriction on immunities. Delegated powers and immunities partition the space of public action. The exercise of a right is not subject to regulation, except to allocate use of a scarce resource, or to taxation, and only to insignificant incidental burdens by government actions at any level, unless there is an explicit exception to the contrary, in this Constitution.

Prerogative writs

All persons have the right to a presumption of nonauthority. Upon the filing with a court of competent
jurisdiction of a writ of *quo warranto*, *habeas corpus*, *prohibito*, *mandamus*, *procedendo*, *certiorari*, *scire facias*, or other prerogative writ, including a demurral, and service of notice to respondent, respondent shall have three days, and not more than 20 days with cause, to prove his authority to do or not do what the writ demands, and the writ shall be the summons to do so, with no further action by the court needed. The burden of proof shall rest solely on the respondent. The court shall hold a hearing within five days of receipt of the response from the respondent, and ahead of any other business before the court. Either demandant or respondent shall have the right to trial by a jury of at least twelve, with twelve required to sustain the claim of authority of the respondent. On a writ of *habeas corpus* the respondent must produce the individual held regardless of the legal or factual issues, and failure to do so, unless the medical condition of the subject requires otherwise, shall result in immediate release. The order granting the relief sought shall issue by default if a hearing is not held or a decision not made. Only the Supreme Court of the United States shall have jurisdiction to hear a writ of *quo warranto* to remove from office for perjury, fraud, or lack of qualification, or restrict the exercise of power, of the President or Vice-president, a member of Congress, or a judicial officer of the United States, but any United States court of general jurisdiction shall have jurisdiction for lesser officials, subject to appeal to higher courts.

**Clarification of “regulate”**

The power to regulate shall consist only of the power to restrict the attributes or modalities of the object regulated, and not to prohibit all attributes or modalities, or impose criminal penalties.

**Clarification of “commerce”**

Commerce shall consist only of transfers of equitable interest and possession of tangible commodities, for a valuable consideration, from a seller or lessor to a purchaser or lessee. It shall not include transport without such transfer or interest, nor extraction, primary production, manufacturing, possession, use, or disposal, nor shall it include the other activities of those engaged in such transfers. It shall not include energy, information, or financial or contractual instruments. Commerce among the states shall not include sales or leases within a state.

**Clarification of “necessary and proper”**

A power shall be construed as “necessary and proper” only for “carrying into execution”, that is, to make a limited, reasonable effort strictly necessary for a proper public purpose as defined in the Preamble, and not to do whatever might be deemed convenient to get an outcome for which the effort might be made. The powers to tax, spend, promote, regulate, and prohibit (or punish), shall each be construed as distinct, with none derivable from any of the others, and none shall be exercised as a way to avoid the lack of a power to do one of the others.

**Rule of construction**

If there is any significant doubt concerning whether an official has a power, or a person has an immunity from the exercise of a power, the presumption shall be that the official does not have the power, or conversely, that the person has the immunity.

**Stare decisis**

On all constitutional issues precedents shall be regarded as only perhaps persuasive and never binding. Constitutional text shall be construed only on historical evidence of the meaning of the terms for, first, their ratifiers, and second, their framers. Equity and prudential decisions shall not be regarded as precedents.

**Standing**
No person shall be denied standing to privately prosecute a public right for at least declaratory or injunctive relief, even if he or she has not incurred, or does not expect, personal injury resulting from the failure to grant such relief.

**Fully informed jury**

In all trials in which there are mixed questions of law and fact, including all criminal jury trials, and all jury trials in which government officials or agents, whether general, state, or local, shall be a party, parties shall have the right not to have decisions by the bench on questions of law made before all arguments can be made before the jury, excepting only arguments on defense motions in *limine* that cannot be made without disclosing evidence properly excluded. Jurors shall receive copies of all applicable constitutions, statutes, court precedents, and legal arguments, including those of intervenors and *amici curiae*, and access to an adequate law library in which they can do research.

**Access to grand jury, appointment of prosecutors**

No person shall be unreasonably impeded from access to a randomly selected grand jury of 23, who, if they should return an indictment or presentment, may appoint that person or any other to prosecute the case, and shall decide which court, if any, has jurisdiction, and whether any official shall have official immunity from suit.

**Clarification of “militia”**

The primary meaning of “militia” shall be “defense activity”, and only secondarily those engaged in it, or obligated to engage in it. All citizens and would-be citizens have the legal duty to defend the constitutions of the United States and their state, and the members of society, from any threat to their rights, privileges, or immunities, in response to a call-up by any person aware of a credible threat. Any call-up that does not require everyone to respond shall select those required by sortition. Jury duty shall be regarded as a form of militia duty. Militia may not be kept in a called up status beyond the duration of an emergency. Congress and state legislatures shall have the power to enforce this duty by appropriate legislation.

**Readiness of “militia”**

Militia shall be maintained in a state of readiness sufficient to overcome any regular military force it might encounter. Those who may engage in militia shall have any weapons in common use by regular military, subject only to the directives of local elected unit commanders during operations while called up. If Congress or any state or local legislative body shall fail to provide for organizing, training, or equipping militia units, persons shall not be impeded from organizing, training, and equipping themselves independently.

**Clarification of “bill of attainder”**

A bill of attainder shall consist of any legislative disablement of an immunity, either for an individual, group, or the people in general, without proof beyond a reasonable doubt, decided by a jury in each individual case, that he or she has committed a crime or is dangerously incompetent.

**Clarification of “title of nobility”**

A title of nobility shall consist of any legislated or judicially conferred privilege or immunity, not enjoyed by all, or to the detriment of others, that is not essential for the performance of legitimate official duties, and a grand jury may authorize civil or criminal prosecution of an official for exceeding his jurisdiction or abusing his discretion.
Clarification of “declaration of war”

A declaration of war shall specify the state or organized body that is the enemy, the casus belli or casus foederis requiring its issuance, the commencement date, and the terms for its conclusion. The identification of the enemy shall be sufficiently explicit to allow persons of common understanding to recognize them, and not be left to executive officials to define the boundaries of who is included.

Clarification of “piracy”

“Piracy” shall consist only of warlike acts committed by a nonstate actor against persons or property of a country foreign to him. Letters of marque and reprisal make the person to whom they are issued a state actor, and under a declaration of war all citizens are to be regarded as state actors with respect to the foreign state defined in the declaration.

Clarification of “trial by jury”

Trial by jury in criminal cases is not a right that may be waived by the defendant. It is a mandate even if the defendant pleads guilty. The number of jurors in all cases must be twelve. They must be randomly selected from the general body of citizens. They may not be asked about their knowledge, experience, or opinions about the law in voir dire. They must be unanimous to convict but not to acquit, and failure to convict shall be deemed acquittal. This provision applies to all civil or criminal cases, national, state, or local.

Powers in nonstate territories

Congress shall not have power within nonstate territory in excess of powers provided by the constitutions of at least three-fourths of the states, being those that delegate the least power to their governments on the same subjects.

Disablement of rights

Congress shall not have power to disable a right or penalize any person on the basis of an administrative or due process proceeding in another jurisdiction, or lack thereof, or an administrative or due process proceeding in the same jurisdiction that does not explicitly disable the right as part of the final order of the court, upon conviction by a jury for a crime or a unanimous jury verdict finding dangerous incompetence.

Clarification of “speech” and “press”

“Speech” and “press” shall include the production and distribution of any communication, private or commercial, other than inducement to immediately commit a crime or act of war, or to give aid and comfort to a declared enemy.

Clarification of general welfare

The term “general welfare” means not special. Government shall exercise no power, including the powers to tax or spend, in ways intended to burden or benefit one part of the population over another, except in minor ways incidental to the proper exercise of delegated powers.

Clarification of “exceptions” to appellate jurisdiction

The exceptions to appellate jurisdiction of Article III Section 2 Clause 2 only mean original jurisdiction, not no jurisdiction. There must always be some court somewhere open to hear and justly decide any judicial question, original or appellate.
Clarification of “cases” and “controversies”

The terms “cases” and “controversies” used in Article III Section 2 shall not be limited to parties with a direct stake in the decision, but shall include any case for which the court can grant relief, including declaratory and injunctive relief, private prosecutions of public rights, trustees representing their trusts, and prerogative writs.

Clarification of treaty power

Government shall exercise no power within the territory of the United States, based on a treaty, not otherwise delegated to it by this Constitution, other than powers to administer trust territories or protectorates.

Clarification of pardon power

A person may be pardoned only after conviction, and the pardon does not nullify the conviction. It is only a declaration that the executive will not enforce it. A declaration by a president or state governor that he will not enforce a criminal conviction against a person, does not bar enforcement by another person to whom a warrant to do so may be issued by a court of competent jurisdiction.

Clarification of sovereign immunity

Sovereign immunity of a state or the nation shall not be a bar to suit, only to execution of judgment against assets not provided by an act of Congress or the state legislature for payment of claims.

Direct and indirect tax

A tax shall be considered direct only if under the totality of circumstances in which it is applied, no significant part of it is likely to be passed through to a further individual purchaser of the thing taxed as a higher cost of purchase, and indirect if no more than a small part of it may not be thus passed through. When in doubt, a tax shall be considered direct. Taxes on corporate entities shall be considered indirect.

Location of jurisdiction for crime

A crime, whether under the laws of the United States or a State, shall be considered to have been committed at the point in space and time where mens rea and actus reus concur, not where the harm is caused. Territorial jurisdiction for treason, piracy, and offenses against the law of nations is not confined to the territory of the United States, but personal jurisdiction for treason is confined to United States citizens.

Limited application of regulation

No regulation, ordinance, or other rule issued as anything but an act of Congress shall have the force of law on the general public, but may be applied only to government agents.

Trust Law

The law of trusts as of the date of ratification of this Constitution is hereby recognized as part of the common law that preceded this Constitution and was incorporated into it. The settlor, trustee, beneficiary, and the trust itself shall each be deemed as distinct persons in any court of law of the United States and any State, the trust represented therein by the trustee.

Remedial amendments — These correct omissions or mistakes:
Contumacy

Congress shall have power to prescribe the penalty for contumacy, but no judge shall have power to punish by fine, imprisonment, or other penalty, other than by incarceration for a period not to exceed ten days per court session, without conviction by a jury in a trial in which another judge shall preside.

Income tax amendment

The amendment proposed by congress in 1909 to “have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration”, was never ratified, or if it was, is hereby repealed and rescinded retroactively. Taxes on equal exchanges, such as on the recipient of salary or wages for labor, shall not be taxable to a party who may not pass on the cost to a buyer.

Official misconduct

Congress shall have power to punish for official misconduct, including the violation of the rights, privileges, or immunities of any person, violation of any oath or affirmation, dereliction of duty, failure to supervise, or conduct unbecoming.

Judicial officers

Judicial officers shall consist of all persons sworn to duty in a court of the United States or subdivisions thereof, including but not limited to court presidents, judges, magistrates, clerks, bailiffs, attorneys, witnesses, trial jurors, or recorders. Presidents, magistrates, and clerks shall not be appointed permanently to a particular court, but periodically reassigned to courts and cases by sortition, with presidents or judges reassigned at random to courts each 180 days, and at random to cases, and trial jurors selected at random to each case.

Interventions in court

Intervenors in cases who argue in defense of the Constitution shall not be excluded or impeded, in trial or appeal, in the courtroom or outside it, or in presenting legal arguments to juries.

Ceded parcels

Parcels ceded to the exclusive jurisdiction of Congress by consent of a state legislature must be specifically described by metes and bounds at the time of cession, and all state citizens of such parcel shall remain citizens of the ceding state for all elections to offices of the state or the Union. The boundaries of such parcels shall be clearly marked to give notice to any person entering or leaving which jurisdiction he or she is in.

Impeachment of Vice-President

In a trial on impeachment of the Vice-President he shall not preside over the Senate.

Original jurisdiction

Article III Section 2 Clause 2 is amended to allow lower courts to have original jurisdiction for cases in which a state is a party.

Removal Power
Congress shall have power to prescribe the terms of removal of individuals holding offices created by specific statute, and requiring the consent of the Senate for appointments, including standards of good behavior for judges, but the President or other executive officers shall have power to remove officers they have the exclusive authority to appoint for positions for which there is no specific term of service.

Substantive amendments — These are mainly to delegate powers that would be denied by the clarifying amendments, but which some think the central government should have:

**Volume of legislation**

The total size of all current statutes, measured in bytes of text, shall not exceed that as of 1900, and for any act which adds text, an equal quantity of text must be repealed. The total volume of all regulations shall not exceed six times that of all statutes. Congress shall not adopt more provisions per year than can be adequately heard and decided by United States courts within two years of enactment, and if more are adopted, courts shall have authority to summarily strike them.

**Judicial appeals**

At each level of appeal a case shall first be heard by a randomly selected panel of three, appealable to a randomly selected panel of nine, and thence appealable to either a randomly selected or en banc panel of twenty-seven, depending on the number of judges assigned to that court.

**Rule of decision in judicial panels**

Any multimember judicial panel must be unanimous to sustain a claimed power of government against the claim of a citizen that the government lacks such power. If there is any doubt concerning whether an official has a delegated power, the presumption shall be that he does not. Courts shall not defer to the judgment of legislative or executive officials, but shall require strict proof of their findings or authority, with a presumption of nonauthority.

**Decision of jurisdiction**

Any question of which court, national, state, or local, shall have jurisdiction, shall be decided by a grand jury of citizens selected at random, if possible, from outside the jurisdictions of the courts in contention.

**Pollution**

Congress shall have power to regulate or prohibit substances or actions which are likely to cause resource degradation or depletion or injury to people across state, territorial, or national borders, but not those confined within the borders of a state or territory.

**Coastal waters and airspace**

Congress shall have exclusive legislative jurisdiction over coastal waters from the low tide mark out to a distance of three miles, and over airspace at or above 1000 feet above terrain features, including the power to regulate the movement of vessels through such territory. States shall have jurisdiction for land above the low tide mark.

**Broadcast bands**
Congress shall have exclusive legislative jurisdiction over the allocation of broadcast bands for transmissions in excess of 1 watt.

**In rem forfeitures forbidden**

Any claim against a nonperson must specify an owner, even if it is initially an unknown owner, and the last possessor shall be presumed the owner unless title to another is proved. No asset shall be forfeited except to pay a lawful fine, imposed by verdict of a jury, by selling at public auction.

**State secrets**

Congress shall have power to punish for disclosure of state secrets properly so designated by a court of competent jurisdiction, but it shall also have power to punish the concealment of official misconduct under the guise of state secrecy.

**Court opinions**

Opinions of all courts, majority, concurring, or dissenting, shall be signed by each judicial officer participating, and all decisions and opinions shall be published except for state secrets. The summary, findings, orders, and commentary shall be clearly separated and labeled as such.

**Recording of legal proceedings**

Except in an emergency in which recording is impossible, all legislative, judicial, and administrative proceedings, other than trial jury and grand jury meetings, shall be recorded with current state of the art audio and video technologies, archived, and released as Congress, for federal proceedings, or a state legislature, for state proceedings, or a court of competent jurisdiction, shall direct. Persons present in a legislative conference or court shall not be barred from recording the proceedings except to forbid them from disclosing the members of the jury before the trial is concluded.

**Supermajority for criminal penalties**

Congress or a state legislature shall not enact legislation with criminal penalties without support by a vote of 94% of the members, not just of the members present and voting.

**Proxy voting in legislative bodies elected by population**

Members of the United States House of Representatives, and houses of state legislatures whose members represent political subdivisions that elect a number of representatives in proportion to their population, shall elect representatives at large, and the number of allocated representatives receiving the most votes shall be declared elected. Each such elected representative shall cast the number of votes he or she received in the last election in all proceedings of the house to which elected. Each candidate shall, prior to election, declare a list of successors if he or she becomes unable to serve, or is removed from office, who shall be appointed to replace him or her.

**Selection of members of legislative bodies not elected by population**

Members of the United States Senate, and houses of state legislatures whose members represent political subdivisions not based on population, shall be selected by a multi-stage nominating process that first randomly selects precinct panels of twenty-four, who then elect a person from each precinct, from among whom are randomly selected twenty-four persons for the next higher jurisdiction or district, and thus by alternating random selection and election to the next level, when they reach the top level, the number of
randomly selected candidates shall be five, who shall be the nominees on the ballot for the final election by
general voters, except that general voters may write-in other persons. Voters may vote for more than one
nominee, using the method of approval voting. There must also be an alternative of “none of the above”. The
nominee receiving the most votes shall be declared elected, unless “none of the above” wins, in which case
the position shall remain vacant.

Firearm exclusion zones

Congress shall have power, on territory under its exclusive jurisdiction, and state legislatures, on territory
under their exclusive jurisdiction, to forbid weapons within penal facilities, courthouses, and government
offices, provided that they provide for a secure system for checking in weapons on entry, and return on
leaving, and guarantee the safety of persons within against all injury they might be able to avoid by having
the means to defend themselves or others.

Weapons of mass destruction

Congress shall have power, on territory under its exclusive jurisdiction, and state legislatures, on territory
under their exclusive jurisdiction, to forbid unsupervised possession of destructive devices or weapons each
discharge of which can produce the death or injury of more than 1000 individuals over a space of 1000
square meters and a time of one hour.

Eminent domain

Congress shall have the power of eminent domain only on territory for which it has exclusive jurisdiction,
and state legislatures only on exclusively state territory. State legislatures must consent to Congress taking by
eminent domain any parcels within their territory. No taking by either Congress or a state legislature shall be
for any purpose other than public use for a period of at least 20 years.

Legal tender

Congress shall have the power to define legal tender only on territory for which it has exclusive jurisdiction,
and state legislatures only on exclusively state territory. Neither Congress nor the states may make anything
legal tender that does not consist of, or is backed by, gold, silver, or energy, nor use anything but legal tender
to pay its debts, or accept anything but legal tender for the payment of taxes.

Occupational licensing

There shall be no occupational licensing, formal or informal, national, state, or local, especially of lawyers by
lawyers or judges.

Constitutional authority for legislation

No legislative act or provision thereof shall have the force of law unless the constitutional authority for it is
explicitly cited, verifiable by proving an unbroken chain of logical derivation.

Violation of the Constitution

It shall be a capital offense for any official at any level of government to violate this Constitution.

Sunset of legislation

Every bill enacted by Congress shall expire two years after enactment, unless re-enacted, or unless it is
Number of members of the House of Representatives

The number of members of the House of Representatives shall be two hundred eighty-five plus three times the number of states.

Selecting electors for president and vice-president

The electors for president and vice-president shall be selected in each state by the following procedure:

1. An initial panel of citizens qualified to vote in that state equal to one hundred times the number of electors to be selected from that state shall be selected at random, in a process that shall be supervised by a randomly-selected grand jury specially empaneled for that task;
2. Members of this initial panel shall take an examination in which each shall recite from memory 20 randomly selected clauses of this Constitution, and shall receive a score of one for each clause he or she is able to recite without error;
3. A second panel shall be selected from the first, consisting of ten times the number of electors to be selected, with the odds of selecting each weighted by the score he or she received in the examination, and with exclusion of any who scored zero;
4. Members of the second panel shall meet, and each shall rank all the others in descending order of civic virtue, giving a score indicating the rank consisting of the number of panelists for the highest down to one for the lowest;
5. The electors shall then be selected from this second panel at random, but weighted by his or her average rank from the previous round of peer assessments.

Aboriginal American rights

Treaties with Native American tribes shall be honored, either with the original land taken from them being returned to them, land of equivalent value deeded to them, or money equal in current value to the land taken paid to them. Conveyance or payment shall be to a trust for each tribe controlled by that tribe. Administrative supervision of tribes shall be terminated.

Power to punish perjury

Perjury shall consist of the violation of any oath or affirmation, including that made for public office, and Congress shall have authority to criminally punish it only when made in a forum of the United States, or by an officer or agent of the United States.

Power to punish fraud

Congress shall have authority to criminally punish fraud only when committed on territory of the United States over which it has exclusive jurisdiction.

Certification of amendments

To be deemed ratified, the results of votes of the legislature or convention in each state shall be reviewed and verified by a vote of at least 18 of a randomly selected grand jury of 23 from citizens of that state who are not dependent on public funds for their support; and the reports of all such grand juries shall be reviewed and verified by a vote of at least 18 of a randomly selected grand jury of 23 from citizens of the United States.
who are not dependent on public funds for their support.

**Certification of eligibility to hold office**

To be deemed eligible the qualifications of any candidate shall be reviewed and verified by a vote of at least 18 of a randomly selected grand jury of 23 from citizens of the United States who are not dependent on public funds for their support.

Original URL: [http://www.constitution.org/reform/us/con_amend.htm](http://www.constitution.org/reform/us/con_amend.htm)

Maintained: Jon Roland of the Constitution Society

Original date: 2009/4/13

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A Radical Centrist Vision for the Future

F. Other Draft Amendments

Amendments still in the Rough Idea Stage

One other idea of Mr Block’s is very much worth further study, or making it into an Amendment. It is possible to be skeptical since there are practical difficulties that are easy enough to imagine, but the concept recommends itself:

**Require a popular vote by taxpayers for tax increases.** If your 1040 tax form (or any future equivalent) says $0 in taxes, you don’t get to vote. This would keep those with no skin in the game from skinning those who have skin in the game. If the budget becomes unbalanced as a result, then get out the meat cleaver and cut wherever necessary.

This suggestion has been edited slightly here, but is 90 % in David’s words.

* There are any number of additional Amendments that might be considered. One which was published at Rich Vail’s site, concerns standardized accounting. The idea is that a uniform system is needed for “all governments,” and that “all liabilities” are itemized ” and no off budget expenditures and liabilities” should be omitted. This should apply to all states, not only the Federal Government.

About this, since my knowledge of accounting procedures is non-existent, it seemed best not to try to write out an Amendment. But the logic in the argument seems valid and worth going further with. The short statement does appear to overlook some important details –such as listing assets, not only liabilities, and factoring in realistic forecasts– and needs a rationale for requiring this for the states, but the idea has merit.

* Clearly an Amendment is needed which rationalizes the petroleum and natural gas industries. Among other things, disasters such as Exxon-Valdez or the BP oil fiasco in the Gulf of Mexico in 2009 , should never
be allowed to happen again. Furthermore, excessive profits, often at the expense of the consumer economy, must be curtailed. However, and this is very important, the Government should expedite oil and gas independence to the full extent this may be possible, or at a minimum to switch supply sources to friendly neighbors in the Western Hemisphere such as Canada. This means that energy policy should be such that projects like the proposed oil pipeline from Alberta to Texas, to use one example, should be facilitated and ways found to carry out the necessary construction with dispatch. Environmental issues should not be disregarded but, given major pressures on energy sources, ways should be developed to solve environmental problems. But the project should unquestionably be a priority.

But my knowledge of the oil and natural gas industries is severely limited, to understate the case, and drafting an Amendment on this set of issues is not something I feel competent to do.

*A health care Amendment would seem to be called for. What I know about the medical field isn’t much, however, and writing an Amendment on the subject is not something that I can do. But what is clear beyond all reasonable doubt is that the United States cannot stand for health care costs to reach 20 % of GDP in another few years, nor for continued price gouging by medical professionals. Why should a 20 minute routine check-up cost $ 250 or a 3 day hospital visit for a standard procedure worth maybe $ 800 cost a patient $ 3000? Which is only to broach the subject of out-of-control medical costs, hospital and doctor’s office inefficiencies, rip-off prices for pharmaceuticals, and outrageous insurance company profits.

* Many people have suggested a Balanced Budget amendment, often citing the fact that households need to balance their budgets, so what shouldn’t the US Government. The logic behind this idea is fallacious on the face of it and amounts to little more than a Right-wing talking point. After all, if a family is buying a home and has a mortgage, in what sense is their budget balanced? they are in debt, probably for hundreds of thousands of dollars. Not even to count credit card debt, installment purchases, or still other such things, But a Responsible Budget amendment might be an excellent idea, and some of the Amendments suggested in the following material deal with particulars toward the goal of debt-neutral Federal budgeting. A workable and objectively fair plan for an overall Amendment of this kind will need to be written by an economist who has the capability to do so, however. Surely, there would need to be classes of exceptions, and there must be allowance for contingencies, but it ought to be doable –if crazy people cease and desist in demands for tax cutting as the answer to each and every problem known to man.

* A simple Amendment might be written that limits use of eminent domain to special categories of property uses, and disallows land seizure for re-sale to any profit-making commercial business. But everything that might be considered in such an Amendment requires far greater knowledge of real estate and civic responsibilities than I can offer.

* Another short Amendment has been suggested to the effect that no minor offenses such as ordinance violations, traffic tickets, and the like shall be grounds for incarceration and that other kinds of punishments should be devised which are more appropriate (types of community service, hours spent washing police cars, modest fines based on income, etc) which would also ease crowding in local jails. This should be written by someone familiar with Civil Law.

* And we certainly could use a new Amendment that clarifies the meaning on the Second Amendment.

* Another idea concerns the need for military officers to have some freedom to speak their minds when Government policy decisions strike generals or admirals as detrimental to the mission of the Armed Services, the defense of the country. As things are, this is impossible. Only retired officers may speak freely even when a chief executive acts to undermine military effectiveness, which has been the case for William Clinton and now Barack Obama. About which, concerning Clinton, there already exists an entire literature. Much the same can be said about George W. Bush, certainly concerning deployment of mercenaries rather than
American troops to fight America’s wars.

However, what the practical problems would be if all ranking military officers had unfettered free speech prerogatives, is difficult to assess. And the problems would multiply if such freedom was allowed to all officers. At least an approximation of a better policy can be recommended concerning generals and admirals, but for others this will need to wait for the future. Still, some kind of Amendment might be a advisable so that damages to the military mission can be avoided when the educated opinions of officers are listened to as an antidote to decisions made by civilians with no military experience, or even with antipathy to the military per se.

* Finally, another Amendment might be most useful to **protect freedoms of the Internet**. About this, the issues involved are highly technical and beyond my competence to address to best effect. However, it would be unwise in the extreme to give preference to search engine protocols which favor big money interests over others, and which allow Government to impose more and more restrictions should it begin to set the agenda for the Web.

This said, some regulations are necessary, and the sooner the better. Exactly why, for instance, should a system exist in which private users are monitored without their consent by businesses seeking to extract commercial information? Why should people or institutions be allowed, with little threat of investigation or punishment, to infect other computers with viruses or so-called “trojans”? Such activities ought to be regarded as felony crimes. Granted, reality says that no perfect detection and apprehension counter-system is possible, but some protection is better than none, and there is reason to think that a great deal could be accomplished if this was a priority. It might combine human resources with new technology and represent a new service which, like the invention of the Internet itself, the Government could accomplish for the common good.

This, however, will need to wait for someone else to write and recommend, something which takes into account plausible changes in electronic communications in the future. But it should take Amendment form for the simple reason that experience tells us that we sometimes cannot trust the Supreme Court to make rational decisions, nor can we trust the legislature not to meddle and add rules or regulations that pander to political constituencies. An Amendment would be approximately as much of an iron clad guarantee for an objectively good system of Internet regulation as it is possible to get.

Indeed, if there is one dominant theme in this project it is that **the Supreme Court has usurped its rightful place in the Government** and everything possible must be done to prevent ANY legislating from the bench in the future. The viewpoint taken here is that this is the most serious of all government problems and must be brought to an end.

**A Radical Centrist Vision for the Future** > Appendix > G. **The Anti-Federalist Papers and Proto-Libertarianism** (next)
The following selections from the Antifederalist Papers should be useful in reaching conclusions about “original intent” of the US Constitution. The Anti-Federalists were not libertarians in the modern sense but do represent the antecedents of the movement. These are the papers that seem to me to be most relevant to the issue of “proto-libertarianism” in 1787 -1788 at the birth of the federal republic.

Probably better to characterize most (or a plurality of) Anti-Federalists as “minarchists” more than pure libertarians, but even there they are better thought of as what may be called advocates of strong minarchism. Other Anti-Federalists could be almost anything, from quasi-Anarchists (hence one current Anti-Federalist group is avowedly secessionist and Anarchist, for which they cite as authority a number of Anti-Federalists), to advocates of aristocracy, to crackpots.

Things are not all that clear cut, in any case, since much Anti-Federalist “libertarian” sentiment was found on the frontier, where, for example, the State of Franklin movement sought as much autonomy as conceivable, only to plead for Federal military and other help when the Franklin settlers were under attack by Indians. You can also find something like libertarian sentiment even in the thought of someone you might suppose was unlikely as a proto-libertarian, namely Benjamin Franklin (after whom the would-be state was named). Similarly while Jefferson is sometimes identified with libertarianism, which is true enough, doing so requires a very selective reading of his writings; at other times he was a strong supporter of centralized Constitutional government, primarily in the years he served as President.

Here are several Anti-Federalist papers from the “standard collection” of 85 of the best of these essays, which, at least in part, reveal something of a libertarian spirit in the late 18th century, just prior to the ratification of the Constitution.

You are free, of course, to look up the other papers if you so desire. they are available for free on the Web, courtesy of the University of Texas at El Paso, aka, UTEP.

Antifederalist Papers

Selected and edited by Morton Borden

PREFACE

By Harold W. Bolinger, Founder and Director of LEADERS

In contrast to Hamilton, Madison and Jay who supported ratification of the Constitution of the United States, many others did not. While the former’s works were more logically organized (and eventually won the debate), the Antifederalist writers were nonetheless articulate. Serious questions were raised which eventually led to some of the Federalist writings that served as answers to allegations of the Antifederalists.

No serious student of the Constitution can be without both sides of the story. Some Antifederalist prophecies have strangely come true. Writings by “Brutus” and “A Federal Farmer,” particularly relating to the “necessary and proper” clause (Article I, Section 8, Clause 18), view the future under an unrestrained Congress. Although the “necessary and proper” clause was never meant to be a blanket grant of power, over the years, as the intentions of the Founding Fathers have passed further and further from our memories, all
three branches of the federal government have assumed things that simply do not — and never did — exist. As the states have forgotten how to be a check against a Congress run amok, things are getting worse.

This document, like the Federalist Papers themselves, cannot be considered all inclusive. Many other pro and con pieces appeared in newspapers, in the state ratification conventions, in pamphlets, books, and other sources of the time. But these are considered the premier Antifederalist writings, organized somewhat to coincide with the Federalist Papers.

I personally scanned this document into ASCII, converted the text, spell checked it, and proofed it several times. Undoubtedly, I may have missed a dropped character, hyphenation may be inadvertently missing, or other minor flaws may appear. Please note any such mistakes and call them to my attention so that future releases can be more accurate.

Also note it was scanned from the following document:


BR Comment – The Introduction by Jon Roland is not included here and does not seem to be available on the Web. However, the following statement seems to have been written by Roland and provides an overview of the Antifederalist Papers:

constitution.org & Liberty Library

Anti-Federalists as Strict Constructionists During the period from the drafting and proposal of the federal Constitution in September, 1787, to its ratification in 1789 there was an intense debate on ratification. The principal arguments in favor of it were stated in the series written by Madison, Hamilton, and Jay called the Federalist Papers, although they were not as widely read as numerous independent local speeches and articles. The arguments against ratification appeared in various forms, by various authors, most of whom used a pseudonym. Collectively, these writings have become known as the Anti-Federalist Papers……They contain warnings of dangers from tyranny that weaknesses in the proposed Constitution did not adequately provide against, and while some of those weaknesses were corrected by adoption of the Bill of Rights, others remained, and some of these dangers are now coming to pass.

The most important way to read the pro- and anti-federalist papers is as a debate on how the provisions of the Constitution would be interpreted, or “constructed”. Those opposing ratification, or at least raising doubts about it, were not so much arguing against the ratification of some kind of federal constitution, as against expansive construction of provisions delegating powers to the national government, and the responses from pro-ratificationists largely consisted of assurances that the delegations of power would be constructed strictly and narrowly. Therefore, to win the support of their opponents, the pro-ratificationists essentially had to consent to a doctrine of interpretation that must be considered a part of the Constitution, and that therefore must be the basis for interpretation today. This doctrine can be summed up by saying, “if a construction would have been objectionable to the anti-federalists, it should be initially presumed unconstitutional”.

Antifederalist No. 7 ADOPTION OF THE CONSTITUTION WILL LEAD TO CIVIL WAR
“PHILANTHROPOS,” (an anonymous Virginia Antifederalist) appeared in The Virginia Journal and Alexandria Advertiser, December 6, 1787, writing his version of history under the proposed new Constitution.

The time in which the constitution or government of a nation undergoes any particular change, is always interesting and critical. Enemies are vigilant, allies are in suspense, friends hesitating between hope and fear; and all men are in eager expectation to see what such a change may produce. But the state of our affairs at present, is of such moment, as even to arouse the dead…

[A certain defender of the Constitution has stated that objections to it] are more calculated to alarm the fears of the people than to answer any valuable end. Was that the case, as it is not, will any man in his sober senses say, that the least infringement or appearance of infringement on our liberty -that liberty which has lately cost so much blood and treasure, together with anxious days and sleepless nights-ought not both to rouse our fears and awaken our jealousy?… The new constitution in its present form is calculated to produce despotism, thraldom and confusion, and if the United States do swallow it, they will find it a bolus, that will create convulsions to their utmost extremities. Were they mine enemies, the worst imprecation I could devise would be, may they adopt it. For tyranny, where it has been chained (as for a few years past) is always more cursed, and sticks its teeth in deeper than before. Were Col. [George] Mason’s objections obviated, the improvement would be very considerable, though even then, not so complete as might be. The Congress’s having power without control-to borrow money on the credit of the United States; their having power to appoint their own salaries, and their being paid out of the treasury of the United States, thereby, in some measure, rendering them independent of the individual states; their being judges of the qualification and election of their own members, by which means they can get men to suit any purpose; together with Col. Mason’s wise and judicious objections-are grievances, the very idea of which is enough to make every honest citizen exclaim in the language of Cato, O Liberty, O my country! Our present constitution, with a few additional powers to Congress, seems better calculated to preserve the rights and defend the liberties of our citizens, than the one proposed, without proper amendments. Let us therefore, for once, show our judgment and solidity by continuing it, and prove the opinion to be erroneous, that levity and fickleness are not only the foibles of our tempers, but the reigning principles in these states. There are men amongst us, of such dissatisfied tempers, that place them in Heaven, they would find something to blame; and so restless and self- sufficient, that they must be eternally reforming the state. But the misfortune is, they always leave affairs worse than they find them. A change of government is at all times dangerous, but at present may be fatal, without the utmost caution, just after emerging out of a tedious and expensive war. Feeble in our nature, and complicated in our form, we are little able to bear the rough Posting of civil dissensions which are likely to ensue. Even now, discontent and opposition distract our councils. Division and despondency affect our people. Is it then a time to alter our government, that government which even now totters on its foundation, and will, without tender care, produce ruin by its fall?

Beware my countrymen! Our enemies- -uncontrolled as they are in their ambitious schemes, fretted with losses, and perplexed with disappointments-will exert their whole power and policy to increase and continue our confusion. And while we are destroying one another, they will be repairing their losses, and ruining our trade.

Of all the plagues that infest a nation, a civil war is the worst. Famine is severe, pestilence is dreadful; but in these, though men die, they die in peace. The father expires without the guilt of the son; and the son, if he survives, enjoys the inheritance of his father. Cities may be thinned, but they neither plundered nor burnt. But when a civil war is kindled, there is then forth no security of property nor protection from any law. Life and fortune become precarious. And all that is dear to men is at the discretion of profligate soldiery, doubly licentious on such an occasion. Cities are exhausted by heavy contributions, or sacked because they cannot answer exorbitant demand. Countries are eaten up by the parties they favor, and ravaged by the one they oppose. Fathers and sons, sheath their swords in another’s bowels in the field, and their wives and daughters
are exposed to rudeness and lust of ruffians at home. And when the sword has decided quarrel, the scene is closed with banishments, forfeitures, and barbarous executions that entail distress on children then unborn. May Heaven avert the dreadful catastrophe! In the most limited governments, what wranglings, animosities, factions, partiality, and all other evils that tend to embroil a nation and weaken a state, are constantly practised by legislators. What then may we expect if the new constitution be adopted as it now stands? The great will struggle for power, honor and wealth; the poor become a prey to avarice, insolence and oppression. And while some are studying to supplant their neighbors, and others striving to keep their stations, one villain will wink at the oppression of another, the people be fleeced, and the public business neglected. From despotism and tyranny good Lord deliver us.

Antifederalist No. 6 THE HOBGOBLINS OF ANARCHY AND DISSENSIONS AMONG THE STATES

One of largest series of Antifederalist essays was penned under the pseudonym “CENTINEL.” The Philadelphia Independent Gazetteer ran this 24 essay series between October 5, 1787 and November 24, 1788.

Some historians feel most of the “Centinel” letters were written by Samuel Bryan, and a few by Eleazer Oswald, owner of the Independent Gazetteer. A more recent study by Charles Page Smith, James Wilson, Founding Father (Chapel Hill, 1956), refrains from making such theory.

This selection is from the eleventh letter of “Centinel,” appearing in the Independent Gazetteer on January 16, 1788.

The evils of anarchy have been portrayed with all the imagery of language in the growing colors of eloquence; the affrighted mind is thence led to clasp the new Constitution as the instrument of deliverance, as the only avenue to safety and happiness. To avoid the possible and transitory evils of one extreme, it is seduced into the certain and permanent misery necessarily attendant on the other. A state of anarchy from its very nature can never be of long continuance; the greater its violence the shorter the duration. Order and security are immediately sought by the distracted people beneath the shelter of equal laws and the salutary restraints of regular government; and if this be not attainable, absolute power is assumed by the one, or a few, who shall be the most enterprising and successful. If anarchy, therefore, were the inevitable consequence of rejecting the new Constitution, it would be infinitely better to incur it, for even then there would be at least the chance of a good government rising out of licentiousness. But to rush at once into despotism because there is a bare possibility of anarchy ensuing from the rejection, or from what is yet more visionary, the small delay that would be occasioned by a revision and correction of the proposed system of government is so superlatively weak, so fatally blind, that it is astonishing any person of common understanding should suffer such an imposition to have the least influence on his judgment; still more astonishing that so flimsy and deceptive a doctrine should make converts among the enlightened freemen of America, who have so long enjoyed the blessings of liberty. But when I view among such converts men otherwise pre-eminent it raises a blush for the weakness of humanity that these, her brightest ornaments, should be so dimsighted to what is self-evident to most men, that such imbecility of judgment should appear where so much perfection was looked for. This ought to teach us to depend more on our own judgment and the nature of the case than upon the opinions of the greatest and best of men, who, from constitutional infirmities or particular situations, may sometimes view an object through a delusive medium; but the opinions of great men are more frequently the dictates of ambition or private interest.

The source of the apprehensions of this so much dreaded anarchy would upon investigation be found to arise from the artful suggestions of designing men, and not from a rational probability grounded on the actual state
of affairs. The least reflection is sufficient to detect the fallacy to show that there is no one circumstance to justify the prediction of such an event. On the contrary a short time will evince, to the utter dismay and confusion of the conspirators, that a perseverance in cramming down their scheme of power upon the freemen of this State [Pennsylvania] will inevitably produce an anarchy destructive of their darling domination, and may kindle a flame prejudicial to their safety. They should be cautious not to trespass too far on the forbearance of freemen when wrestling their dearest concerns, but prudently retreat from the gathering storm.

The other specter that has been raised to terrify and alarm the people out of the exercise of their judgment on this great occasion, is the dread of our splitting into separate confederacies or republics, that might become rival powers and consequently liable to mutual wars from the usual motives of contention. This is an event still more improbable than the foregoing. It is a presumption unwarranted, either by the situation of affairs, or the sentiments of the people; no disposition leading to it exists; the advocates of the new constitution seem to view such a separation with horror, and its opponents are strenuously contending for a confederation that shall embrace all America under its comprehensive and salutary protection. This hobgoblin appears to have sprung from the deranged brain of Publius, [The Federalist] a New York writer, who, mistaking sound for argument, has with Herculean labor accumulated myriads of unmeaning sentences, and mechanically endeavored to force conviction by a torrent of misplaced words. He might have spared his readers the fatigue of wading through his long-winded disquisitions on the direful effects of the contentions of inimical states, as totally inapplicable to the subject he was professedly treating; this writer has devoted much time, and wasted more paper in combating chimeras of his own creation. However, for the sake of argument, I will admit that the necessary consequence of rejecting or delaying the establishment of the new constitution would be the dissolution of the union, and the institution of even rival and inimical republics; yet ought such an apprehension, if well founded, to drive us into the fangs of despotism? Infinitely preferable would be occasional wars to such an event. The former, although a severe scourge, is transient in its continuance, and in its operation partial, but a small proportion of the community are exposed to its greatest horrors, and yet fewer experience its greatest evils; the latter is permanent and universal misery, without remission or exemption. As passing clouds obscure for a time the splendor of the sun, so do wars interrupt the welfare of mankind; but despotism is a settled gloom that totally extinguishes happiness. Not a ray of comfort can penetrate to cheer the dejected mind; the goad of power with unabating rigor insists upon the utmost exaction; like a merciless taskmaster, [it] is continually inflicting the lash, and is never satiated with the feast of unfeeling domination, or the most abject servility.

The celebrated Lord Kaims, whose disquisitions of human nature evidence extraordinary strength of judgment and depth of investigation, says that a continual civil war, which is the most destructive and horrible scene of human discord, is preferable to the uniformity of wretchedness and misery attendant upon despotism; of all possible evils, as I observed in my first number, this is the worst and the most to be dreaded.

I congratulate my fellow citizens that a good government, the greatest earthly blessing, may be so easily obtained, that our circumstances are so favorable, that nothing but the folly of the conspirators can produce anarchy or civil war, which would presently terminate in their destruction and the permanent harmony of the state, alone interrupted by their ambitious machinations.

Antifederalist No. 15 RHODE ISLAND IS RIGHT!

This essay appeared in The Massachusetts Gazette, December 7, 1787, as reprinted From The Freeman’s Journal; (Or, The North-American Intelligencer?)

The abuse which has been thrown upon the state of Rhode Island seems to be greatly unmerited. Popular
favor is variable, and those who are now despised and insulted may soon change situations with the present idols of the people. Rhode Island has out done even Pennsylvania in the glorious work of freeing the Negroes in this country, without which the patriotism of some states appears ridiculous. The General Assembly of the state of Rhode Island has prevented the further importation of Negroes, and have made a law by which all blacks born in that state after March, 1784, are absolutely and at once free.

They have fully complied with the recommendations of Congress in regard to the late treaty of peace with Great Britain, and have passed an act declaring it to be the law of the land. They have never refused their quota of taxes demanded by Congress, excepting the five per cent impost, which they considered as a dangerous tax, and for which at present there is perhaps no great necessity, as the western territory, of which a part has very lately been sold at a considerable price, may soon produce an immense revenue; and, in the interim, Congress may raise in the old manner the taxes which shall be found necessary for the support of the government.

The state of Rhode Island refused to send delegates to the Federal Convention, and the event has manifested that their refusal was a happy one as the new constitution, which the Convention has proposed to us, is an elective monarchy, which is proverbially the worst government. This new government would have been supported at a vast expense, by which our taxes—the right of which is solely vested in Congress, (a circumstance which manifests that the various states of the union will be merely corporations) — would be doubled or trebled. The liberty of the press is not stipulated for, and therefore may be invaded at pleasure. The supreme continental court is to have, almost in every case, “appellate jurisdiction, both as to law and fact,” which signifies, if there is any meaning in words, the setting aside the trial by jury. Congress will have the power of guaranteeing to every state a right to import Negroes for twenty one years, by which some of the states, who have now declined that iniquitous traffic, may re-enter into it—for the private laws of every state are to submit to the superior jurisdiction of Congress. A standing army is to be kept on foot, by which the vicious, the sycophantick, and the time-serving will be exalted, and the brave, the patriotic, and the virtuous will be depressed.

The writer, therefore, thinks it the part of wisdom to abide, like the state of Rhode Island, by the old articles of confederation, which, if re-examined with attention, we shall find worthy of great regard; that we should give high praise to the manly and public spirited sixteen members, who lately seceded from our house of Assembly [in Pennsylvania]; and that we should all impress with great care, this truth on our minds-That it is very easy to change a free government into an arbitrary one, but that it is very difficult to convert tyranny into freedom.

Antifederalist No. 17 FEDERALIST POWER WILL ULTIMATELY SUBVERT STATE AUTHORITY

The “necessary and proper” clause has, from the beginning, been a thorn in the side of those seeking to reduce federal power, but its attack by Brutus served to call attention to it, leaving a paper trail of intent verifying its purpose was not to give Congress anything the Constitution “forgot,” but rather to show two additional tests for any legislation Congress should attempt: to wit— that the intended actions would be both necessary AND proper to executing powers given under clauses 1-17 of Article I Section 8. This is the famous BRUTUS.

This [new] government is to possess absolute and uncontrollable powers, legislative, executive and judicial, with respect to every object to which it extends, for by the last clause of section eighth, article first, it is declared, that the Congress shall have power “to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the
government of the United States, or in any department or office thereof.” And by the sixth article, it is declared, “that this Constitution, and the laws of the United States, which shall be made in pursuance thereof, and the treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or law of any State to the contrary notwithstanding.” It appears from these articles, that there is no need of any intervention of the State governments, between the Congress and the people, to execute any one power vested in the general government, and that the Constitution and laws of every State are nullified and declared void, so far as they are or shall be inconsistent with this Constitution, or the laws made in pursuance of it, or with treaties made under the authority of the United States. The government, then, so far as it extends, is a complete one, and not a confederation. It is as much one complete government as that of New York or Massachusetts; has as absolute and perfect powers to make and execute all laws, to appoint officers, institute courts, declare offenses, and annex penalties, with respect to every object to which it extends, as any other in the world. So far, therefore, as its powers reach, all ideas of confederation are given up and lost. It is true this government is limited to certain objects, or to speak more properly, some small degree of power is still left to the States; but a little attention to the powers vested in the general government, will convince every candid man, that if it is capable of being executed, all that is reserved for the individual States must very soon be annihilated, except so far as they are barely necessary to the organization of the general government. The powers of the general legislature extend to every case that is of the least importance—there is nothing valuable to human nature, nothing dear to freemen, but what is within its power. It has the authority to make laws which will affect the lives, the liberty, and property of every man in the United States; nor can the Constitution or laws of any State, in any way prevent or impede the full and complete execution of every power given. The legislative power is competent to lay taxes, duties, imposts, and excises;—there is no limitation to this power, unless it be said that the clause which directs the use to which those taxes and duties shall be applied, may be said to be a limitation. But this is no restriction of the power at all, for by this clause they are to be applied to pay the debts and provide for the common defense and general welfare of the United States; but the legislature have authority to contract debts at their discretion; they are the sole judges of what is necessary to provide for the common defense, and they only are to determine what is for the general welfare. This power, therefore, is neither more nor less than a power to lay and collect taxes, imposts, and excises, at their pleasure; not only the power to lay taxes unlimited as to the amount they may require, but it is perfect and absolute to raise them in any mode they please. No State legislature, or any power in the State governments, have any more to do in carrying this into effect than the authority of one State has to do with that of another. In the business, therefore, of laying and collecting taxes, the idea of confederation is totally lost, and that of one entire republic is embraced. It is proper here to remark, that the authority to lay and collect taxes is the most important of any power that can be granted; it connects with it almost all other powers, or at least will in process of time draw all others after it; it is the great mean of protection, security, and defense, in a good government, and the great engine of oppression and tyranny in a bad one. This cannot fail of being the case, if we consider the contracted limits which are set by this Constitution, to the State governments, on this article of raising money. No State can emit paper money, lay any duties or imposts, on imports, or exports, but by consent of the Congress; and then the net produce shall be for the benefit of the United States. The only means, therefore, left for any State to support its government and discharge its debts, is by direct taxation; and the United States have also power to lay and collect taxes, in any way they please. Everyone who has thought on the subject, must be convinced that but small sums of money can he collected in any country, by direct tax; when the federal government begins to exercise the right of taxation in all its parts, the legislatures of the several states will find it impossible to raise monies to support their governments. Without money they cannot be supported, and they must dwindle away, and, as before observed, their powers be absorbed in that of the general government.

It might be here shown, that the power in the federal legislature, to raise and support armies at pleasure, as well in peace as in war, and their control over the militia, tend not only to a consolidation of the government, but the destruction of liberty. I shall not, however, dwell upon these, as a few observations upon the judicial power of this government, in addition to the preceding, will fully evince the truth of the position.
The judicial power of the United States is to be vested in a supreme court, and in such inferior courts as Congress may, from time to time, ordain and establish. The powers of these courts are very extensive; their jurisdiction comprehends all civil causes, except such as arise between citizens of the same State; and it extends to all cases in law and equity arising under the Constitution. One inferior court must be established, I presume, in each State, at least, with the necessary executive officers appendant thereto. It is easy to see, that in the common course of things, these courts will eclipse the dignity, and take away from the respectability, of the State courts. These courts will be, in themselves, totally independent of the States, deriving their authority from the United States, and receiving from them fixed salaries; and in the course of human events it is to be expected that they will swallow up all the powers of the courts in the respective States.

How far the clause in the eighth section of the first article may operate to do away with all idea of confederated States, and to effect an entire consolidation of the whole into one general government, it is impossible to say. The powers given by this article are very general and comprehensive, and it may receive a construction to justify the passing almost any law. A power to make all laws, which shall be necessary and proper, for carrying into execution all powers vested by the Constitution in the government of the United States, or any department or officer thereof, is a power very comprehensive and definite, and may, for aught I know, be exercised in such manner as entirely to abolish the State legislatures. Suppose the legislature of a State should pass a law to raise money to support their government and pay the State debt; may the Congress repeal this law, because it may prevent the collection of a tax which they may think proper and necessary to lay, to provide for the general welfare of the United States? For all laws made, in pursuance of this Constitution, are the supreme law of the land, and the judges in every State shall be bound thereby, anything in the Constitution or laws of the different States to the contrary notwithstanding. By such a law, the government of a particular State might be overturned at one stroke, and thereby be deprived of every means of its support.

It is not meant, by stating this case, to insinuate that the Constitution would warrant a law of this kind! Or unnecessarily to alarm the fears of the people, by suggesting that the Federal legislature would be more likely to pass the limits assigned them by the Constitution, than that of an individual State, further than they are less responsible to the people. But what is meant is, that the legislature of the United States are vested with the great and uncontrollable powers of laying and collecting taxes, duties, impost, and excises; of regulating trade, raising and supporting armies, organizing, arming, and disciplining the militia, instituting courts, and other general powers; and are by this clause invested with the power of making all laws, proper and necessary, for carrying all these into execution; and they may so exercise this power as entirely to annihilate all the State governments, and reduce this country to one single government. And if they may do it, it is pretty certain they will; for it will be found that the power retained by individual States, small as it is, will be a clog upon the wheels of the government of the United States; the latter, therefore, will be naturally inclined to remove it out of the way. Besides, it is a truth confirmed by the unerring experience of ages, that every man, and every body of men, invested with power, are ever disposed to increase it, and to acquire a superiority over everything that stands in their way. This disposition, which is implanted in human nature, will operate in the Federal legislature to lessen and ultimately to subvert the State authority, and having such advantages, will most certainly succeed, if the Federal government succeeds at all. It must be very evident, then, that what this Constitution wants of being a complete consolidation of the several parts of the union into one complete government, possessed of perfect legislative, judicial, and executive powers, to all intents and purposes, it will necessarily acquire in its exercise in operation.

Antifederalist No. 37 FACTIONS AND THE CONSTITUTION

By: Federal Farmer
To have a just idea of the government before us, and to show that a consolidated one is the object in view, it is necessary not only to examine the plan, but also its history, and the politics of its particular friends.

The confederation was formed when great confidence was placed in the voluntary exertions of individuals, and of the respective states; and the framers of it, to guard against usurpation, so limited, and checked the powers, that, in many respects, they are inadequate to the exigencies of the union. We find, therefore, members of congress urging alterations in the federal system almost as soon as it was adopted. It was early proposed to vest congress with powers to levy an impost, to regulate trade, etc., but such was known to be the caution of the states in parting with power, that the vestment even of these, was proposed to be under several checks and limitations. During the war, the general confusion, and the introduction of paper money, infused in the minds of the people vague ideas respecting government and credit. We expected too much from the return of peace, and of course we have been disappointed. Our governments have been new and unsettled; and several legislatures, by making tender, suspension, and paper money laws, have given just cause of uneasiness to creditors. By these and other causes, several orders of men in the community have been prepared, by degrees, for a change of government. And this very abuse of power in the legislatures, which in some cases has been charged upon the democratic part of the community, has furnished aristocratical men with those very weapons, and those very means, with which, in great measure, they are rapidly effecting their favorite object. And should an oppressive government be the consequence of the proposed change, posterity may reproach not only a few overbearing, unprincipled men, but those parties in the states which have misused their powers.

The conduct of several legislatures, touching paper money, and tender laws, has prepared many honest men for changes in government, which otherwise they would not have thought of—when by the evils, on the one hand, and by the secret instigations of artful men, on the other, the minds of men were become sufficiently uneasy, a bold step was taken, which is usually followed by a revolution, or a civil war. A general convention for mere commercial purposes was moved for—the authors of this measure saw that the people’s attention was turned solely to the amendment of the federal system; and that, had the idea of a total change been started, probably no state would have appointed members to the convention. The idea of destroying ultimately, the state government, and forming one consolidated system, could not have been admitted—a convention, therefore, merely for vesting in congress power to regulate trade was proposed. This was pleasing to the commercial towns; and the landed people had little or no concern about it. In September, 1786, a few men from the middle states met at Annapolis, and hastily proposed a convention to be held in May, 1787, for the purpose, generally, of amending the confederation. This was done before the delegates of Massachusetts, and of the other states arrived—still not a word was said about destroying the old constitution, and making a new one. The states still unsuspecting, and not aware that they were passing the Rubicon, appointed members to the new convention, for the sole and express purpose of revising and amending the confederation—and, probably, not one man in ten thousand in the United States, till within these ten or twelve days, had an idea that the old ship was to be destroyed, and be put to the alternative of embarking in the new ship presented, or of being left in danger of sinking. The States, I believe, universally supposed the convention would report alterations in the confederation, which would pass an examination in congress, and after being agreed to there, would be confirmed by all the legislatures, or be rejected. Virginia made a very respectable appointment, and placed at the head of it the first man in America. In this appointment there was a mixture of political characters; but Pennsylvania appointed principally those men who are esteemed aristocratical. Here the favorite moment for changing the government was evidently discerned by a few men, who seized it with address. Ten other states appointed, and tho’ they chose men principally connected with commerce and the judicial department yet they appointed many good republican characters. Had they all attended we should now see, I am persuaded, a better system presented. The nonattendance of eight or nine men, who were appointed members of the convention, I shall ever consider as a very unfortunate event to the United States. Had they attended, I am pretty clear that the result of the convention would not have had that strong tendency
to aristocracy now discernible in every part of the plan. There would not have been so great an accumulation of powers, especially as to the internal police of this country in a few hands as the constitution reported proposes to vest in them—the young visionary men, and the consolidating aristocracy, would have been more restrained than they have been. Eleven states met in the convention, and after four months close attention presented the new constitution, to be adopted or rejected by the people. The uneasy and fickle part of the community may be prepared to receive any form of government; but I presume the enlightened and substantial part will give any constitution presented for their adoption a candid and thorough examination…. We shall view the convention with proper respect—and, at the same time, that we reflect there were men of abilities and integrity in it, we must recollect how disproportionately the democratic and aristocratic parts of the community were represented. Perhaps the judicious friends and opposers of the new constitution will agree, that it is best to let it rely solely on its own merits, or be condemned for its own defects….

This subject of consolidating the states is new. And because forty or fifty men have agreed in a system, to suppose the good sense of this country, an enlightened nation, must adopt it without examination, and though in a state of profound peace, without endeavoring to amend those parts they perceive are defective, dangerous to freedom, and destructive of the valuable principles of republican government—is truly humiliating. It is true there may be danger in delay; but there is danger in adopting the system in its present form.

And I see the danger in either case will arise principally from the conduct and views of two very unprincipled parties in the United States—two fires, between which the honest and substantial people have long found themselves situated. One party is composed of little insurgents, men in debt, who want no law, and who want a share of the property of others; these are called revellers, Shayites, etc. The other party is composed of a few, but more dangerous men, with their servile dependents; these avariciously grasp at all power and property; you may discover in all the actions of these men, an evident dislike to free and equal government, and they will go systematically to work to change, essentially, the forms of government in this country; these are called aristocrats, monarchists, etc. Between these two parties is the weight of the community; the men of middling property, men not in debt on the one hand, and men, on the other, content with republican governments, and not aiming at immense fortunes, offices, and power. In 1786, the little insurgents, the revellers, came forth, invaded the rights of others, and attempted to establish governments according to their wills. Their movements evidently gave encouragement to the other party, which, in 1787, has taken the political field, and with its fashionable dependents, and the tongue and the pen, is endeavoring to establish in a great haste, a politer kind of government. These two parties, which will probably be opposed or united as it may suit their interests and views, are really insignificant, compared with the solid, free, and independent part of the community. It is not my intention to suggest, that either of these parties, and the real friends of the proposed constitution, are the same men. The fact is, these aristocrats support and hasten the adoption of the proposed constitution, merely because they think it is a stepping stone to their favorite object. I think I am well founded in this idea. I think the general politics of these men support it, as well as the common observation among them: That the proffered plan is the best that can be got at present, it will do for a few years, and lead to something better. The sensible and judicious part of the community will carefully weigh all these circumstances; they will view the late convention as a respectable body of men-America probably never will see an assembly of men, of a like number, more respectable. But the members of the convention met without knowing the sentiments of one man in ten thousand in these states respecting the new ground taken. Their doings are but the first attempts in the most important scene ever opened. Though each individual in the state conventions will not, probably, be so respectable as each individual in the federal convention, yet as the state conventions will probably consist of fifteen hundred or two thousand men of abilities, and versed in the science of government, collected from all parts of the community and from all orders of men, it must be acknowledged that the weight of respectability will be in them. In them will be collected the solid sense and the real political character of the country. Being revisers of the subject, they will possess peculiar advantages. To say that these conventions ought not to attempt, coolly and deliberately, the revision of the system, or that they cannot amend it, is very foolish or very assuming…. 
Make the best of this new government—say it is composed of any thing but inspiration—you ought to be extremely cautious, watchful, jealous of your liberty; for, instead of securing your rights, you may lose them forever. If a wrong step be now made, the republic may be lost forever. If this new government will not come up to the expectation of the people, and they shall be disappointed, their liberty will be lost, and tyranny must and will arise. I repeat it again, and I beg gentlemen to consider, that a wrong step, made now, will plunge us into misery, and our republic will be lost. It will be necessary for this [Virginia Ratifying] Convention to have a faithful historical detail of the facts that preceded the session of the federal Convention, and the reasons that actuated its members in proposing an entire alteration of government, and to demonstrate the dangers that awaited us. If they were of such awful magnitude as to warrant a proposal so extremely perilous as this, I must assert, that this Convention has an absolute right to a thorough discovery of every circumstance relative to this great event. And here I would make this inquiry of those worthy characters who composed a part of the late federal Convention. I am sure they were fully impressed with the necessity of forming a great consolidated government, instead of a confederation. That this is a consolidated government is demonstrably clear; and the danger of such a government is, to my mind, very striking. I have the highest veneration for those gentlemen; but, sir, give me leave to demand: What right had they to say, We, the people? My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask: Who authorized them to speak the language of, We, the people, instead of, We, the states? States are the characteristics and the soul of a confederation. If the states be not the agents of this compact, it must be one great, consolidated, national government, of the people of all the states. I have the highest respect for those gentlemen who formed the Convention, and, were some of them not here, I would express some testimonial of esteem for them. America had, on a former occasion, put the utmost confidence in them—a confidence which was well placed; and I am sure, sir, I would give up any thing to them; I would cheerfully confide in them as my representatives. But, sir, on this great occasion, I would demand the cause of their conduct. Even from that illustrious man who saved us by his valor, I would have a reason for his conduct…. That they exceeded their power is perfectly clear…. The federal Convention ought to have amended the old system; for this purpose they were solely delegated; the object of their mission extended to no other consideration. You must, therefore, forgive the solicitation of one unworthy member to know what danger could have arisen under the present Confederation, and what are the causes of this proposal to change our government.

PATRICK HENRY

What then are we to think of the motives and designs of those men who are urging the implicit and immediate adoption of the proposed government; are they fearful, that if you exercise your good sense and discernment, you will discover the masqued aristocracy, that they are attempting to smuggle upon you under the suspicious garb of republicanism? When we find that the principal agents in this business are the very men who fabricated the form of government, it certainly ought to be conclusive evidence of their invidious design to deprive us of our liberties. The circumstances attending this matter, are such as should in a peculiar manner excite your suspicion; it might not be useless to take a review of some of them. In many of the states, particularly in this [Pennsylvania] and the northern states, there are aristocratic juntos of the well-horn few, who have been zealously endeavoring since the establishment of their constitutions, to humble that offensive
upstart, equal liberty; but all their efforts were unavailing, the ill-bred churl obstinately kept his assumed station…. A comparison of the authority under which the convention acted, and their form of government, will show that they have despised their delegated power, and assumed sovereignty; that they have entirely annihilated the old confederation, and the particular governments of the several States, and instead thereof have established one general government that is to pervade the union; constituted on the most unequal principles, destitute of accountability to its constituents, and as despotic in its nature, as the Venetian aristocracy; a government that will give full scope to the magnificent designs of the well-born, a government where tyranny may glut its vengeance on the low-born, unchecked by an odious bill of rights…; and yet as a blind upon the understandings of the people, they have continued the forms of the particular governments, and termed the whole a confederation of the United States, pursuant to the sentiments of that profound, but corrupt politician, Machiavel, who advises any one who would change the constitution of a state to keep as much as possible to the old forms; for then the people seeing the same officers, the same formalities, courts of justice and other outward appearances, are insensible of the alteration, and believe themselves in possession of their old government. Thus Caesar, when he seized the Roman liberties, caused himself to be chosen dictator (which was an ancient office), continued the senate, the consuls, the tribunes, the censors, and all other offices and forms of the commonwealth; and yet changed Rome from the most free, to the most tyrannical government in the world…. The late convention, in the majesty of its assumed omnipotence, have not even condescended to submit the plan of the new government to the confederation of the people, the true source of authority; but have called upon them by their several constitutions, to ‘assent to and ratify’ in toto, what they have been pleased to decree; just as the grand monarch of France requires the parliament of Paris to register his edicts without revision or alteration, which is necessary previous to their execution….

If you are in doubt about the nature and principles of the proposed government, view the conduct of its authors and patrons: that affords the best explanation, the most striking comment.

The evil genius of darkness presided at its birth, it came forth under the veil of mystery, its true features being carefully concealed, and every deceptive art has been and is practicing to have this spurious brat received as the genuine offspring of heaven-born liberty. So fearful are its patrons that you should discern the imposition, that they have hurried on its adoption, with the greatest precipitation…

After so recent a triumph over British despots, after such torrents of blood and treasure have been spent, after involving ourselves in the distresses of an arduous war, and incurring such a debt for the express purpose of asserting the rights of humanity; it is truly astonishing that a set of men among ourselves should have the effrontery to attempt the destruction of our liberties. But in this enlightened age to hope to dupe the people by the arts they are practicing is still more extraordinary… The advocates of this plan have artfully attempted to veil over the true nature and principles of it with the names of those respectable characters that by consummate cunning and address they have prevailed upon to sign it; and what ought to convince the people of the deception and excite their apprehensions, is that with every advantage which education, the science of government and of law, the knowledge of history and superior talents and endowments, furnish the authors and advocates of this plan with, they have from its publication exerted all their power and influence to prevent all discussion of the subject, and when this could not be prevented they have constantly avoided the ground of argument and recurred to declamation, sophistry and personal abuse, but principally relied upon the magic of names…. Emboldened by the sanction of the august name of a Washington, that they have prostituted to their purpose, they have presumed to overleap the usual gradations to absolute power, and have attempted to seize at once upon the supremacy of dominion.

CENTINEL

… Another thing they tell us, that the constitution must be good, from the characters which composed the Convention that framed it. It is graced with the names of a Washington and a Franklin. Illustrious names, we know-worthy characters in civil society. Yet we cannot suppose them to be infallible guides; neither yet that a
man must necessarily incur guilt to himself merely by dissenting from them in opinion. We cannot think the	noble general has the same ideas with ourselves, with regard to the rules of right and wrong. We cannot think
he acts a very consistent part, or did through the whole of the contest with Great Britain. Notwithstanding he
wielded the sword in defense of American liberty, yet at the same time was, and is to this day, living upon the
labors of several hundreds of miserable Africans, as free born as himself; and some of them very likely,
descended from parents who, in point of property and dignity in their own country, might cope with any man
in America. We do not conceive we are to be overborne by the weight of any names, however revered. “ALL
MEN ARE BORN FREE AND EQUAL”……

THE YEOMANRY OF MASSACHUSETTS

Antifederalist No. 84 ON THE LACK OF A BILL OF RIGHTS

By “BRUTUS”

When a building is to be erected which is intended to stand for ages, the foundation should be firmly laid.
The Constitution proposed to your acceptance is designed, not for yourselves alone, but for generations yet
unborn. The principles, therefore, upon which the social compact is founded, ought to have been clearly and
precisely stated, and the most express and full declaration of rights to have been made. But on this subject
there is almost an entire silence.

If we may collect the sentiments of the people of America, from their own most solemn declarations, they
hold this truth as self-evident, that all men are by nature free. No one man, therefore, or any class of men,
have a right, by the law of nature, or of God, to assume or exercise authority over their fellows. The origin of
society, then, is to be sought, not in any natural right which one man has to exercise authority over another,
but in the united consent of those who associate. The mutual wants of men at first dictated the propriety of
forming societies: and when they were established, protection and defense pointed out the necessity of
instituting government. In a state of nature every individual pursues his own interest; in this pursuit it
frequently happened, that the possessions or enjoyments of one were sacrificed to the views and designs of
another; thus the weak were a prey to the strong, the simple and unwary were subject to impositions from
those who were more crafty and designing. In this state of things, every individual was insecure; common
interest, therefore, directed that government should be established, in which the force of the whole
community should be collected, and under such directions, as to protect and defend every one who composed
it. The common good, therefore, is the end of civil government, and common consent, the foundation on
which it is established. To effect this end, it was necessary that a certain portion of natural liberty should be
surrendered, in order that what remained should be preserved. How great a proportion of natural freedom is
necessary to be yielded by individuals, when they submit to government, I shall not inquire. So much,
however, must be given, as will be sufficient to enable those to whom the administration of the government is
committed, to establish laws for the promoting the happiness of the community, and to carry those laws into
effect. But it is not necessary, for this purpose, that individuals should relinquish all their natural rights. Some
are of such a nature that they cannot be surrendered. Of this kind are the rights of conscience, the right of
enjoying and defending life, etc. Others are not necessary to be resigned in order to attain the end for which
government is instituted; these therefore ought not to be given up. To surrender them, would counteract the
very end of government, to wit, the common good. From these observations it appears, that in forming a
government on its true principles, the foundation should be laid in the manner I before stated, by expressly
reserving to the people such of their essential rights as are not necessary to be parted with. The same reasons
which at first induced mankind to associate and institute government, will operate to influence them to
observe this precaution. If they had been disposed to conform themselves to the rule of immutable
righteousness, government would not have been requisite. It was because one part exercised fraud,
oppression and violence, on the other, that men came together, and agreed that certain rules should be formed
to regulate the conduct of all, and the power of the whole community lodged in the hands of rulers to enforce
an obedience to them. But rulers have the same propensities as other men; they are as likely to use the power
with which they are vested, for private purposes, and to the injury and oppression of those over whom they
are placed, as individuals in a state of nature are to injure and oppress one another. It is therefore as proper
that bounds should be set to their authority, as that government should have at first been instituted to restrain
private injuries.

This principle, which seems so evidently founded in the reason and nature of things, is confirmed by
universal experience. Those who have governed, have been found in all ages ever active to enlarge their
powers and abridge the public liberty. This has induced the people in all countries, where any sense of
freedom remained, to fix barriers against the encroachments of their rulers. The country from which we have
derived our origin, is an eminent example of this. Their magna charta and bill of rights have long been the
boast, as well as the security of that nation. I need say no more, I presume, to an American, than that this
principle is a fundamental one, in all the Constitutions of our own States; there is not one of them but what is
either founded on a declaration or bill of rights, or has certain express reservation of rights interwoven in the
body of them. From this it appears, that at a time when the pulse of liberty beat high, and when an appeal was
made to the people to form Constitutions for the government of themselves, it was their universal sense, that
such declarations should make a part of their frames of government. It is, therefore, the more astonishing, that
this grand security to the rights of the people is not to be found in this Constitution.

It has been said, in answer to this objection, that such declarations of rights, however requisite they might be
in the Constitutions of the States, are not necessary in the general Constitution, because, “in the former case,
every thing which is not reserved is given; but in the latter, the reverse of the proposition prevails, and every
thing which is not given is reserved.” It requires but little attention to discover, that this mode of reasoning is
rather specious than solid. The powers, rights and authority, granted to the general government by this
Constitution, are as complete, with respect to every object to which they extend, as that of any State
government—it reaches to every thing which concerns human happiness-life, liberty, and property are under its
control. There is the same reason, therefore, that the exercise of power, in this case, should be restrained
within proper limits, as in that of the State governments. To set this matter in a clear light, permit me to
instance some of the articles of the bills of rights of the individual States, and apply them to the case in
question.

For the security of life, in criminal prosecutions, the bills of rights of most of the States have declared, that no
man shall be held to answer for a crime until he is made fully acquainted with the charge brought against
him; he shall not be compelled to accuse, or furnish evidence against himself—the witnesses against him shall
be brought face to face, and he shall be fully heard by himself or counsel. That it is essential to the security of
life and liberty, that trial of facts be in the vicinity where they happen. Are not provisions of this kind as
necessary in the general government, as in that of a particular State? The powers vested in the new Congress
extend in many cases to life; they are authorized to provide for the punishment of a variety of capital crimes,
and no restraint is laid upon them in its exercise, save only, that “the trial of all crimes, except in cases of
impeachment, shall be by jury; and such trial shall be in the State where the said crimes shall have been
committed.” No man is secure of a trial in the county where he is charged to have committed a crime; he may
be brought from Niagara to New York, or carried from Kentucky to Richmond for trial for an offense
supposed to be committed. What security is there, that a man shall be furnished with a full and plain
description of the charges against him? That he shall be allowed to produce all proof he can in his favor? That
he shall see the witnesses against him face to face, or that he shall be fully heard in his own defense by
himself or counsel?

For the security of liberty it has been declared, “that excessive bail should not be required, nor excessive fines
imposed, nor cruel or unusual punishments inflicted. That all warrants, without oath or affirmation, to search
suspected places, or seize any person, his papers or property, are grievous and oppressive.”

These provisions are as necessary under the general government as under that of the individual States; for the power of the former is as complete to the purpose of requiring bail, imposing fines, inflicting punishments, granting search warrants, and seizing persons, papers, or property, in certain cases, as the other.

For the purpose of securing the property of the citizens, it is declared by all the States, “that in all controversies at law, respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable.”

Does not the same necessity exist of reserving this right under their national compact, as in that of the States? Yet nothing is said respecting it. In the bills of rights of the States it is declared, that a well regulated militia is the proper and natural defense of a free government; that as standing armies in time of peace are dangerous, they are not to be kept up, and that the military should be kept under strict subordination to, and controlled by, the civil power.

The same security is as necessary in this Constitution, and much more so; for the general government will have the sole power to raise and to pay armies, and are under no control in the exercise of it; yet nothing of this is to be found in this new system.

I might proceed to instance a number of other rights, which were as necessary to be reserved, such as, that elections should be free, that the liberty of the press should be held sacred; but the instances adduced are sufficient to prove that this argument is without foundation. Besides, it is evident that the reason here assigned was not the true one, why the framers of this Constitution omitted a bill of rights; if it had been, they would not have made certain reservations, while they totally omitted others of more importance. We find they have, in the ninth section of the first article declared, that the writ of habeas corpus shall not be suspended, unless in cases of rebellion,-that no bill of attainder, or ex post facto law, shall be passed,—that no title of nobility shall be granted by the United States, etc. If every thing which is not given is reserved, what propriety is there in these exceptions? Does this Constitution any where grant the power of suspending the habeas corpus, to make ex post facto laws, pass bills of attainder, or grant titles of nobility? It certainly does not in express terms. The only answer that can be given is, that these are implied in the general powers granted. With equal truth it may be said, that all the powers which the bills of rights guard against the abuse of, are contained or implied in the general ones granted by this Constitution.

So far is it from being true, that a bill of rights is less necessary in the general Constitution than in those of the States, the contrary is evidently the fact. This system, if it is possible for the people of America to accede to it, will be an original compact; and being the last wilt, in the nature of things, vacate every former agreement inconsistent with it. For it being a plan of government received and ratified by the whole people, all other forms which are in existence at the time of its adoption, must yield to it. This is expressed in positive and unequivocal terms in the sixth article: “That this Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution, or laws of any State, to the contrary notwithstanding.”

“The senators and representatives before-mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States, and of the several States, shall be bound, by oath or affirmation, to support this Constitution.”

It is therefore not only necessarily implied thereby, but positively expressed, that the different State Constitutions are repealed and entirely done away, so far as they are inconsistent with this, with the laws which shall be made in pursuance thereof, or with treaties made, or which shall be made, under the authority
of the United States. Of what avail will the Constitutions of the respective States be to preserve the rights of its citizens? Should they be pled, the answer would be, the Constitution of the United States, and the laws made in pursuance thereof, is the supreme law, and all legislatures and judicial officers, whether of the General or State governments, are bound by oath to support it. No privilege, reserved by the bills of rights, or secured by the State governments, can limit the power granted by this, or restrain any laws made in pursuance of it. It stands, therefore, on its own bottom, and must receive a construction by itself, without any reference to any other. And hence it was of the highest importance, that the most precise and express declarations and reservations of rights should have been made.

This will appear the more necessary, when it is considered, that not only the Constitution and laws made in pursuance thereof, but all treaties made, under the authority of the United States, are the supreme law of the land, and supersede the Constitutions of all the States. The power to make treaties, is vested in the president, by and with the advice and consent of two-thirds of the senate. I do not find any limitation or restriction to the exercise of this power. The most important article in any Constitution may therefore be repealed, even without a legislative act. Ought not a government, vested with such extensive and indefinite authority, to have been restricted by a declaration of rights? It certainly ought.

So clear a point is this, that I cannot help suspecting that persons who attempt to persuade people that such reservations were less necessary under this Constitution than under those of the States, are wilfully endeavoring to deceive, and to lead you into an absolute state of vassalage.

The Bill of Rights does more than express commonplace “early libertarian” values since Federalists also favored all (or most) of these principles, but the Anti-Federalists made the most out of the issue of a need for such a comprehensive statement.

BR

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A Radical Centrist Vision for the Future

H. Why We Need Bills of Rights for the 21st Century

The following two satirical views of what has become of the original Bill of Rights make the point that we need to restore the traditions of 1788. One way to do this is to make use of the concept of a “Bill of Rights” in creative new ways. However, let us not forget the grievances of modern-day citizens at how the values of 1788-89 have been eroded and must be restored.
The New Bill of Rights

Nearly everything has changed in the United States since the Bill of Rights was written and adopted. We still see the original words when we read those first 10 Amendments to the Constitution, yet the meaning is vastly different now.

And no wonder. We’ve gone from a country of a few million to a few hundred million. The nation’s desire to band together was replaced by revulsion of togetherness. We exchanged a birthright of justice for a magic bullet, and replaced the Pioneer Spirit with the Pioneer Stereo.

We’re not the people who founded this country and our Bill of Rights should reflect this.

[ For the ] the 21st Century, it’s time to bring the wording up to date showing what we are and who we are.

Amendment I

Congress shall make no law establishing religion, but shall act as if it did; and shall make no laws abridging the freedom of speech, unless such speech can be construed as “commercial speech” or “irresponsible speech” or “offensive speech;” or shall abridge the right of the people to peaceably assemble where and when permitted; or shall abridge the right to petition the government for a redress of grievances, under proper procedures.

It shall be unlawful to cry “Fire!” in a theater occupied by three or more persons, unless such persons shall belong to a class declared Protected by one or more divisions of Federal, State or Local government, in which case the number of persons shall be one or more.

Amendment II

A well-regulated military force shall be maintained under control of the President, and no political entity within the United States shall maintain a military force beyond Presidential control. The right of the people to keep and bear arms shall be determined by the Congress and the States and the Cities and the Counties and the Towns (and someone named Fred.)

Amendment III

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, unless such house is believed to have been used, or believed may be used, for some purpose contrary to law or public policy.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures may not be suspended except to protect public welfare. Any place or conveyance shall be subject to search by law enforcement forces of any political entity, and any such places or conveyances, or any property within them, may be confiscated without judicial proceeding if believed to be used in a manner
contrary to law.

**Amendment V**

Any person may be held to answer for a crime of any kind upon any suspicion whatever; and may be put in jeopardy of life or liberty by the state courts, by the federal judiciary, and while incarcerated; and may be compelled to be a witness against himself by the forced submission of his body or any portion thereof, and by testimony in proceedings excluding actual trial. Private property forfeited under judicial process shall become the exclusive property of the judicial authority and shall be immune from seizure by injured parties.

**Amendment VI**

In all criminal prosecutions, the accused shall enjoy the right to avoid prosecution by exhausting the legal process and its practitioners. Failure to succeed shall result in speedy plea-bargaining resulting in lesser charges. Convicted persons shall be entitled to appeal until sentence is completed. It shall be unlawful to bar or deter an incompetent person from service on a jury.

**Amendment VII**

In civil suits, where a contesting party is a person whose private life may interest the public, the right of trial in the Press shall not be abridged.

**Amendment VIII**

Sufficient bail may be required to ensure that dangerous persons remain in custody pending trial. There shall be no right of the public to be afforded protection from dangerous persons, and such protection shall be dependent upon incarceration facilities available.

**Amendment IX**

The enumeration in The Constitution of certain rights shall be construed to deny or discourage others which may from time to time be extended by the branches of Federal, State or Local government, unless such rights shall themselves become enacted by Amendment.

**Amendment X**

The powers not delegated to the United States by the Constitution shall be deemed to be powers residing in persons holding appointment therein through the Civil Service, and may be delegated to the States and local Governments as determined by the public interest. The public interest shall be determined by the Civil Service.

**Bill of No Rights**

*The following was written by Lewis Napper.*

We, the sensible people of the United States, in an attempt to help everyone get along, restore some
semblance of justice, avoid any more riots, keep our nation safe, promote positive behavior and secure the
blessings of debt-free liberty to ourselves and our great-great-great grandchildren, hereby try one more time
to ordain and establish some common sense guidelines for the terminally whiny, guilt-ridden, delusional and
other cry-baby, bleeding hearts.

We hold these truths to be self-evident, that a whole lot of people were confused by the Bill of Rights and are
so dim that they require a Bill of No Rights.

ARTICLE I:

You do not have the right to a new car, big screen TV or any other form of wealth. More power to you if you
can legally acquire them, but no one is guaranteeing anything.

ARTICLE II:

You do not have the right to never be offended. This country is based on freedom, and that means freedom
for everyone – not just you! You may leave the room, turn the channel, express a different opinion, etc., but
the World is full of idiots, and probably always will be.

ARTICLE III:

You do not have the right to be free from harm. If you stick a screwdriver in your eye, learn to be more
careful. Do not expect the tool manufacturer to make you and all your relatives independently wealthy.

ARTICLE IV:

You do not have the right to free food and housing. Americans are the most charitable people to be found,
and will gladly help anyone in need, but we are quickly growing weary of subsidizing generation after
generation of professional couch potatoes who achieve nothing more than the creation of another generation
of professional couch potatoes.

ARTICLE V:

You do not have the right to free health care. That would be nice, but from the looks of public housing, we’re
just not interested in health care.

ARTICLE VI:

You do not have the right to physically harm other people. If you kidnap, rape, intentionally maim or kill
someone, don’t be surprised if the rest of us want to see you fry in the electric chair.

ARTICLE VII:

You do not have the right to the possessions of others. If you rob, cheat or coerce away the goods or services
of other citizens, don’t be surprised if the rest of us get together and lock you away in a place where you still
won’t have the right to a big-screen color TV or life of leisure.

ARTICLE VIII:
You don’t have the right to demand that our children risk their lives in foreign wars to soothe your aching conscience. We hate oppressive governments and won’t lift a finger to stop you from going to fight if you’d like. However, we do not enjoy parenting the entire world and do not want to spend so much of our time battling each and every little tyrant with a military uniform and a funny hat.

**ARTICLE IX:**

You don’t have the right to a job. All of us sure want all of you to have one, and will gladly help you along in hard times, but we expect you to take advantage of the opportunities of education and vocational training laid before you to make yourself useful.

**ARTICLE X:**

You do not have the right to happiness. Being an American means that you have the right to pursue happiness – which by the way, is a lot easier if you are unencumbered by an overabundance of idiotic laws created by those of you who were confused by the Bill of Rights…

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