



FREE STATES

LIBERTARIAN PARTY UK MANIFESTO 2019
A WRITTEN CONSTITUTION FOR BRITAIN



**LIBERTARIAN
PARTY**

CONSTITUTION OF THE CONFEDERATION OF THE FREE STATES OF BRITAIN

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ARTICLE I

GENERAL FOUNDATIONS

1. That sovereignty ultimately resides in the people of each State. That this Confederation respects the right of the people to form sovereign polities of their own choosing; that Magna Carta, the Declaration of Arbroath, and other such charters and declarations, are part of the heritage of the several peoples of these lands touching upon their sovereignty and ancient rights.
2. That each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Constitution expressly delegated to the general government of this Confederation.
3. That the purpose of this Constitution is to restrain, limit, and define the powers of the general government of this Confederation.
4. That the free and independent States that form this compact, or that later enter into this compact, are equal partners with an equal voice under this Constitution.
5. That the States, being Sovereign, may choose, according to their own laws, to leave the compact at any time and, further, to refuse to obey any law that originates from the general government that does not comport with the agreed powers delegated by the Sovereign People of the several States in this Constitution as ratified.
6. The government created by this compact is not made the exclusive or final judge of the extent of the powers delegated to itself, since that would make its own discretion, not the Constitution, the measure of its powers; rather, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself, both as to infractions as well as to the mode and measure of redress.
7. The legislative acts of the Confederation made by virtue and in pursuance of this Constitution, and all treaties made and ratified under the authority of the Confederation, shall be the supreme law of the respective Free States, as far as these acts or treaties shall relate to the said States, or the citizens and inhabitants, and that the judiciaries of the several States shall be bound thereby in their decisions, anything in the respective laws of the individual States to the contrary notwithstanding; no State being bound to treat as supreme any law or treaty of the Confederation except they be made pursuant to the defined powers of this Constitution.
8. All elected and appointed officers within this Confederation shall be bound by oath, or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust. Violation of this oath, and any failure to stay within constitutional limits, will make liable the violator to the penalties set forth in this Constitution.
9. All civil officers of the Confederation shall be removed from office on impeachment for, and conviction of, treason, bribery, or of other high crimes and misdemeanours. High crimes and misdemeanours shall be understood to include such political acts committed by those in high office as, but not limited to, attempts to subvert fundamental rights, intentionally misleading others, petty corruption, and introducing arbitrary power.
10. Powers delegated to the constituent parts of the Confederation by the People of the Sovereign States may not be vested by said parts into any other branch or Chamber of the Confederation.
11. This Constitution is a legal document with words and phrases of fixed and specific meaning. It shall not be interpreted as either living or flexible, other than, in the latter case, in the Amendment process.

ARTICLE II

AIMS OF THE CONFEDERATION

1. The Confederation shall aid in the protection of the independence of each of the Free States, both from each other and from foreign incursion; and on application of the legislature, or the executive (when the legislature cannot be convened) against domestic violence.
2. The Confederation will respect the Law of Nations, and never enter into treaties or other agreements that supersede the Constitution or laws made under its authority, or that entangle it in ongoing alliances that may prove incompatible with

Article II, Section 3. No treaty shall have a duration of more than six years, though it may be renewed by the same process as it was originally approved.

3. The Confederation will pursue a foreign policy of neutrality and non-interventionism; it will not engage in acts of aggression or enter or declare war unless there is a clear and present danger of invasion or attack; Congress may sanction limited military defensive activity within the Confederation's spheres of influence, which spheres both to their extent and nature shall be determined by negotiation with the relevant nations or by accepted protocols determined by the Law of Nations.



ARTICLE III

FUNDAMENTAL RIGHTS

In all its laws and actions the general government must respect the inherent rights of the individual and to that end it:

1. Shall not favour or establish any particular religious sect or other society, by law, in preference to others; or prohibit the free exercise thereof, or abridge the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.
2. Shall not infringe upon the right of the people to keep and bear arms. A free militia, composed of the body of people trained in arms, is the proper, natural, self-defence of a Free State; that any professional class of soldiers, permanently garrisoned and paid for out of the Treasury, in time of peace, is dangerous to liberty, and therefore ought to be avoided, as far as the circumstances and protection of the State will admit; and that in all cases the military should be under strict subordination to and governed by the Civil power.
3. Shall quarter no soldier or other government agent, in time of peace, in any house or other private property without the consent of the owner, nor in time of war but in a manner to be prescribed by law.
4. Shall not violate the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures; and no warrants shall issue but upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized.
5. Shall hold no person answerable for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the Defence Force, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation and only in accordance with those powers delegated in this Constitution.
6. Shall not infringe in all criminal prosecutions the accused's right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence.
7. Shall respect the common-law right of the jury as a tribunal of the people to act as a check upon all corrupt laws and the corrupt application of law by leaving inviolate the right of the jury to judge both the law and the facts.
8. Shall not require excessive bail, nor impose excessive fines, nor inflict cruel and unusual punishments, nor work corruption of blood.
9. Shall exercise no power but such as is expressly delegated by this Constitution; and all others, not expressly delegated, shall be reserved to the respective States or to the respective Sovereign People of each State. That the enumeration of certain rights in this Constitution shall not be construed to deny or disparage others retained by the people of each State.

ARTICLE IV

THE COMPACT OF THE STATES

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque or reprisal; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.
2. No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws.
3. No State shall, without the consent of Congress, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.
4. No State, in time of peace, may maintain an active military force, whether militia or professional, more numerous than one percentage of its own number of militia, that is to say able-bodied males between the ages of sixteen and forty-nine; but no State shall be compelled to have an active military force of less than four thousand.
5. The inalienable rights of citizens, residents, or groups thereof, shall not be subject to majority vote in any State.
6. Each State shall make laws regarding the times, places and manner of holding elections for Councillors and Representatives and agrees to allow Congress to do so if the State should neglect or refuse this duty, but only until such time as the State again makes such provisions.
7. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And States agree that Congress may by general laws prescribe the manner in which these shall be provided and the effect thereof.
8. Each State shall respect the entitlement of its citizens to all Privileges and Immunities of citizens in the several States.
9. A person charged in any State with Treason, Felony, or other Crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.
10. New States may be admitted by Congress into the Confederation; but no new States shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the State legislatures of the States concerned as well as of Congress.
11. Each State shall provide on every tenth year to the House of Commons a census return of the number of inhabitants of their State, which enumeration shall consist only of the gender, age, address, status as either visitor or occupant, whether they be a resident or citizen, and whether or not they be fit for service in the militia if male and between the age of sixteen and forty-nine.
12. Each State shall provide funds, in the manner set forth in this Constitution, necessary to the maintenance of the Confederation in exercising its delegated powers; which funds it shall raise in a manner of its own choosing.
13. The penalty for failure of a State to uphold this Compact should extend to no more than loss of membership.

ARTICLE V

THE STRUCTURE OF THE GENERAL CONFEDERATION

1. The legislative branch of the Confederation shall consist of an upper chamber known as the Council of the Sovereign States, and a lower chamber known as the House of Commons. Together these will form the Congress of the Confederation of the Free States of Britain.
2. The executive branch will consist of a Chief Executive, Deputy Executive, and their appointees.
3. The judicial branch will consist of a Constitutional Court
4. The Monarchy and its places of residence will continue on agreement, taken every six years, of three-fifths of the Congress, but only for purposes of heritage and tourism, which tourism and private management of residences shall be the sole source of revenue for the maintenance of the monarchy.



ARTICLE VI

THE COUNCIL OF THE SOVEREIGN STATES

1. To qualify as a candidate for Councillor a person should be at least forty years of age, be an inhabitant in good standing of the State that they are representing, and be at least nine years a citizen.
2. There shall be two Councillors per State, each with one vote in the Council.
3. Councillors shall serve for six years, but may not serve for more than six years in any twelve. One or both may be recalled by their State legislature at any time and others elected by the same to serve for the remainder of the time of those recalled. Elections will be held every two years so that one third of the Council is replaced. In the first sitting of the new Council, at the time of the adoption of this Constitution, Councillors will be equally divided by lot into three classes, serving for two, four, and six years.
4. The Council of the Sovereign States shall be the presiding body of the Confederation, though still subject to the checks and balances of this Constitution.
5. The Council of the Sovereign States shall represent the interests of the free and independent States, the participating parties to the compact, and be chiefly concerned with the Confederation as a whole as well as foreign policy.
6. The powers delegated to the Council of the Sovereign States are: to try impeachments, approve bills from the House of Commons, initiate bills that do not involve the raising of revenue, approve treaties, and approve appointments made by the Chief Executive.
7. The trying of Impeachments shall proceed as follows:
 - A. When sitting for that purpose, the Council shall be on oath or affirmation.
 - B. When the Chief Executive is tried, the Chief Justice shall preside.
 - C. No person shall be convicted without the concurrence of two-thirds of the members present.
 - D. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honour, trust or profit under the Confederation: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law. Serious violations of an oath of office that lead to the loss of life or liberty or great destruction or theft of property shall expose the violator to the full weight of the law with no maximum penalty.

ARTICLE VII

THE HOUSE OF COMMONS

1. To qualify as a candidate for Representative a person should be at least thirty years of age, be an inhabitant in good standing of the State that they are representing, and be at least seven years a citizen. In States with two or more Representatives, measures should be taken to ensure that candidates are drawn from as broad a range of prevailing cultures within the State as feasible, voting separately in distinct counties or regions where the diverse nature of the State merits it. They shall be elected by a popular vote of citizens in the manner determined by their respective State.
2. There shall be one Representative per million citizens per State, with a minimum of one Representative per State, each with one vote in the House of Commons.
3. Representative shall serve for two years, but may not serve for more than two years in any four.
4. The House of Commons shall represent the broad and diverse interests of the People of the free and independent States, and be chiefly concerned with interstate matters as well as holding the key to the Treasury of the Confederation.
5. The powers delegated to the House of Commons are: to initiate impeachments, approve bills from the Council of the Sovereign States, and initiate bills that raise revenue as well as other bills.



ARTICLE VIII

THE PROCEDURES AND POWERS OF CONGRESS

1. The procedures of the Congress of the Confederation of the Free States of Britain shall be as follows:
 - A. Each Chamber shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent members, in such manner, and under such penalties as each Chamber may provide.
 - B. Each Chamber may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member.
 - C. Each Chamber shall keep a journal of its proceedings and all binding votes, and from time to time publish the same, excepting such proceedings and votes as may in their judgement require secrecy for a given time; but the yeas and nays of the members of either Chamber on any question shall, at the desire of one-fifth of those present, be entered on the public journal.
 - D. Neither Chamber, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Chambers shall be sitting.
 - E. The Councillors and Representatives shall receive a moderate compensation for their services, to be ascertained by law, and paid out of the Treasury of the Confederation. Their State may, as they see fit, add to any such compensation out of their own State funds. No law, varying federal compensation, shall take effect until an election of Representatives shall have intervened.
 - F. The Councillors and Representatives shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Chambers, and in going to and returning from the same; and for any speech or debate in either Chamber, they shall not be questioned in any other place.
 - G. No Councillor or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the Confederation of the Free States of Britain which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the Confederation, shall be a member of either Chamber during his continuance in office.
2. The Congress shall have Power to:
 - A. Respect and ensure the free flow of commerce with foreign nations, and between but not within the several States;
 - B. Establish a uniform rule of naturalisation, and uniform laws on the subject of bankruptcies throughout the Confederation;
 - C. Constitute tribunals inferior to the Constitutional Court
 - D. Define and punish piracies and felonies committed on the high seas, and offences against the law of nations;
 - E. Declare war on a two-thirds majority, grant letters of marque and reprisal, and make rules concerning captures on land and water;
 - F. Raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;
 - G. Make rules for the government and regulation of the Defence Force;
 - H. Provide for calling forth the militia to execute the laws of the Confederation,

- suppress insurrections and repel invasions;
- I. Provide for governing, organising, arming, and disciplining the militia whilst employed in the service of the Confederation in time of declared war or in rare emergencies, such as widespread serious disease or large-scale natural disasters, of such nature that cannot be adequately addressed by a single State, or that involve more than one State, and wherein the executive of affected States consent to such aid from the Confederation; reserving to the States respectively the appointment of the officers.
 - J. Exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the Confederation of the Free States of Britain, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of military bases, arsenals, magazines, dockyards, and other needful buildings.
 - K. 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 Confederation, or in any department or officer thereof.
3. Limitations
- A. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.
 - B. No bill of attainder or ex post facto law shall be passed.
 - C. No capitation, or other direct tax, shall be laid.
 - D. No tax or duty shall be laid on articles exported from any State.
 - E. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels or craft bound to, or from, one State, be obliged to enter, clear, or pay duties in another.
 - F. No company shall be erected with exclusive advantages of commerce, including but not limited to banks.
 - G. No money shall be drawn from the Treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditure of all public money shall be published from time to time.
 - H. No title of nobility shall be granted by the Confederation of Britain; and no person holding any office of profit or trust under them, shall, without the consent of Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign nation.
 - I. Congress shall not borrow money but always live within its means;
 - J. Congress shall not construe any of its powers to extend to the laying out, making, altering, or repairing of highways, in any State, without the consent of the legislature of such State; nor that it has any power to purchase or own land or other properties under the pretext of conservation, protection of heritage, etc., but only for needful requirements for the common defence and only with the permission of the legislature of the State as stated in Article VIII, Section 2, Clause (n).
 - K. That these and any other clauses which declare that Congress shall not exercise certain powers, be not interpreted, in any manner whatsoever, to extend the powers of Congress; but that they be construed either as making exceptions to the specified powers where this shall be the case, or otherwise, as inserted merely for greater caution.

ARTICLE IX

THE PASSING OF BILLS

1. Bills for raising revenue shall originate in the House of Commons, but the Council of the Sovereign States may propose or concur with amendments as on other bills.
2. Every bill which shall have passed through the House of Commons and the Council of the Sovereign States shall, before it can be made a law, be presented for the concurrence of the Chief Executive.
3. If the Chief Executive approve he shall sign it, if he shall disapprove then the bill shall be returned with his objections to that Chamber in which it shall have originated.
4. The Chamber to which the bill shall be returned shall enter the Chief Executive's objections in its Journal and proceed to reconsider the bill.
5. If after reconsideration three-fifths of that Chamber shall agree to pass the bill, it shall be sent (together with the objections) to the other Chamber by which it shall likewise be reconsidered.
6. If approved by three-fifths of the other Chamber it shall become a law.
7. In all such cases the votes of both Chambers shall be determined by yeas and nays, and the names of persons voting for and against the bill shall be entered on the respective Journal of each Chamber.
8. If any bill shall not be returned by the Chief Executive within ten days (excepting Sunday) the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.
9. The President may approve any appropriation and disapprove any other appropriation in the same bill. In such case he shall, in signing the bill, designate the appropriations disapproved and why they are in his view unconstitutional; and shall return a copy of such appropriations, with his objections, to the Chamber in which the bill shall have originated; and the same proceedings shall then be had as in case of other bills disapproved by the President.
10. Every order, resolution, or vote to which the concurrence of the Council of the Sovereign States and House of Commons may be necessary (except on a question of adjournment) shall be presented to the Chief Executive; and before the same shall take effect, shall be approved by him; or, being disapproved by him, shall be repassed by three fifths of the Council of the Sovereign States and House of Commons, according to the rules and limitations prescribed in the case of a bill.
11. Every bill shall bear a short title describing its proposal, be limited to one subject, and no more than two pages in length. All bills shall include a sunset clause of no more than ten years.
12. Each year the House of Commons will determine the costs of the Confederation, and the emoluments of its officers, and propose a detailed budget bill for securing, on an equal basis, funds from the States for the Treasury of the Confederation. The bill will then follow the procedure of any other bill. Emergency budget bills may be proposed by the House of Commons in the event of a declaration of war, but such bills will fund the war effort for no more than two years.

ARTICLE X

THE EXECUTIVE

1. The executive power shall be vested in a Chief Executive of the Confederation who shall not hold office for more than one term of six years. Together with the Deputy Executive, chosen for the same term, he shall be elected by an Electoral College as follows:
 - A. Each State shall appoint, in a manner of its own choosing, Electors equal in number to both the Councillors and Representatives of that State combined.
 - B. No person holding any office shall be an Elector.
 - C. Electors shall meet in their respective States and vote by distinct ballot for a Chief Executive and Deputy Executive, at least one of whom shall not be an inhabitant of that State.
 - D. The Electors shall make a list of all the persons voted for in each of the two ballots, and of the number of votes for each.
 - E. Which list they shall sign and certify, and transmit sealed to the seat of the Government of the Confederation, directed to the President of the Council of the Sovereign States.
 - F. (f) The President of the Council of the Sovereign States shall, in the presence of the Council of the Sovereign States and the House of Commons, open all the certificates, and the votes shall then be counted.
 - G. (g) The person having the greatest number of votes for Chief Executive shall be the Chief Executive of the Confederation, if such number be a majority of the whole number of Electors appointed.
 - H. (h) If no person have such a majority, then from the persons having the highest numbers not exceeding three on the list voted for as Chief Executive, the House of Commons shall choose immediately, by ballot, the Chief Executive. But in choosing the Chief Executive, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice.
 - I. (i) The person having the greatest number of votes for Deputy Executive shall be the Deputy Executive of the Confederation, if such number be a majority of the whole number of Electors appointed.
 - J. If no person have a majority then, from the two highest numbers on the list, the Council of the Sovereign States shall choose the Deputy Executive; a quorum for this purpose shall consist of two-thirds of the whole number of Councillors, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of Chief Executive shall be eligible to that of Deputy Executive of the Confederation.
 - K. Congress may determine the time of choosing the Electors, and the day on which they give their votes; which day shall be the same throughout the Confederation.
2. No person except a natural-born citizen, or a citizen of the Confederation of Britain at the time of the adoption of this Constitution, and in good standing, shall be eligible to the office of Chief Executive of the Confederation.
 3. Neither shall any person be eligible to that office who shall not have attained to the age of forty years.
 4. Neither shall any person be eligible to that office who shall not have been fourteen years a resident within the Confederation of Britain.

5. In case of the removal of the Chief Executive from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Deputy Executive, and Congress may by law provide for the case of removal, death, resignation, or inability, both of the Chief Executive and Deputy Executive, declaring what officer shall then act as Chief Executive, and such officer shall act accordingly, until the disability be removed, or a Chief Executive shall be elected.
6. The Chief Executive shall, at stated times, receive for his services, a moderate compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the Confederation, or any State therein.
7. Before he enter on the execution of his office, he shall take the following oath or affirmation: 'I do solemnly swear (or affirm) that I will faithfully execute the office of Chief Executive of the Confederation of the Free States of Britain, and will to the best of my ability, preserve, protect, and defend the Constitution of the Confederation of the Free States of Britain.'



ARTICLE XI

THE POWERS OF THE EXECUTIVE

1. The Chief Executive shall be Commander-in-Chief of the Defence Force of the Confederation and of the militia of the several States, when called into the actual service of the Confederation.
2. He may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices.
3. He shall have power to grant reprieves and justifiable pardons for offences against the Confederation, except in cases of impeachment.
4. He shall have power, by and with the advice and consent of the Council of the Sovereign States, to make such treaties as will not violate the Constitution of this Confederation, provided two-thirds of the Councillors present concur.
5. He shall nominate, and by and with the advice and consent of the Council of the Sovereign States, shall appoint ambassadors, other public ministers and consuls, judges of the Constitutional Court, a General in time of war, and all other officers of the Confederation, whose appointments are not herein otherwise provided for, and which shall be established by law, and all of whom shall be citizens: but Congress may by law vest the appointment of such inferior officers, as they think proper, in the Chief Executive alone, in the courts of law, or in the heads of departments.
6. The Chief executive shall have power to fill up all vacancies that may happen during the recess of the Council of the Sovereign States, by granting commissions which shall expire at the end of their next session.
7. He shall from time to time give Congress information of the state of the Confederation, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Chambers, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper.
8. He shall receive ambassadors and other public ministers.
9. He shall take care that the laws be faithfully executed.
10. He shall commission all the officers of the Confederation.
11. He may give orders relating to the operation of the executive branch, and to direct and manage its personnel, but may not issue orders that implement rules, regulations and edicts that apply to the people; such orders must never be used to bypass the legislative process or subvert legislation passed by Congress and signed into law.

ARTICLE XII

THE CONSTITUTIONAL COURT

1. The judicial power of the Confederation of Britain shall be vested in one Constitutional Court, and in such courts of admiralty as the Congress may, from time to time, ordain and establish in any of the different States. The judges, both of the Constitutional and admiralty courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.
2. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the Confederation, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other foreign ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the Confederation shall be a party; to controversies between two or more States; and between parties claiming land under grants of different States. In all cases affecting ambassadors, other foreign ministers, and consuls, and those in which a state shall be party, the Constitutional Court shall have original

jurisdiction; in all other cases before mentioned, the Constitutional Court shall have appellate jurisdiction, as to matters of law only, except in cases of equity, and of admiralty, and maritime jurisdiction, in which the Constitutional Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make: but the judicial power of the Confederation shall extend to no case where the cause of action shall have originated before the ratification of this Constitution, except in disputes between States about their territory, disputes between persons claiming lands under the grants of different States, and suits for debts due to the Confederation; the judicial power shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the States by citizens of another State, or by citizens or subjects of any foreign State.

3. The judicial power of the Constitutional Court and its inferior courts have no power to declare void the laws of any State unless such laws violate the terms of the Compact made by the States in Article IV; that the Constitutional Court and its inferior courts cannot meddle in state courts either originally or by appeal; that the Constitutional Court is not a final court of appeal regarding State law that does not

violate Article IV; that States retain their own legal supremacy in all matters outside of the Compact made in Article IV.

4. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Constitutional Court shall have original jurisdiction. In all the other cases before mentioned, the Constitutional Court shall have appellate jurisdiction both as to law and fact, with such exceptions and under such regulations as the Congress shall make.
5. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.
6. Treason against the Confederation shall consist only in levying war against the States, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.
7. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

8. State Legislatures may overturn a decision of the Constitutional Court with a two-thirds majority of States.
9. State Legislatures, as well as citizens of a State, may bring suit for injunctive relief when the Congress exceeds the bounds of its powers as enumerated in this Constitution.



ARTICLE XIII

CONVENTIONS & AMENDMENTS

1. It is, and ever will be, within the just powers of sovereign States to agree to meet in Convention outside of the authority of the Confederation and this Constitution for the purpose of newly arranging their affairs between themselves as sovereign parties; that among these powers are the power to amend, abolish and establish constitutions in the manner they so agree upon among themselves.
2. However, in participating in this Confederation, the States agree to the following procedure, as long as this section shall itself exist, for the purpose of making a single amendment to this Constitution: that a proposal for such an amendment be made in Congress, agreed by a two-thirds majority in both chambers, and ratified by three-fourths of the State legislatures.

ARTICLE XIV

RATIFICATION

1. This Constitution is not intended to go into effect, nor will be put into effect, until such time as the Treason Felony Act is repealed.
2. Ratification of the Conventions of six States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.



NOTES

This proposed written Constitution draws heavily on the U.S. Model and, to a lesser extent, the Swiss Model. Other influences include the Articles of Confederation (the precursor to the U.S. Constitution), the Confederate States Constitution of 1861, and the Constitutional Convention of 1787 and the subsequent ratifying debates as well as comments made in hindsight by the likes of Thomas Jefferson and modern originalist Constitutional scholars. The base of the greater part of the text comes from the Constitution of the United States.

As to the form of this constitution and the government it creates, it has been called a confederation, though this word is used commonly to refer to quite a range of constitutional forms, from a simple league of friendship right through to a strong federal arrangement. The Swiss Constitution refers, perhaps with some nostalgia, to its form of government as a confederation, but in many ways it is more strongly federal than the US. In any case, the proposed constitution is federal in nature but leans a little more toward simple confederation than both the Swiss and US Constitution.

THE PREAMBLE

This opening part of the Constitution establishes some clear principles upon which it is founded.

Sovereignty resides in the people as a whole of any given polity. Thus, and as the preamble suggests, this constitution, to be valid, must ultimately be ratified by the people of each State.

It's important to realise under this proposal that it is understood that the people of each "State" are sovereign – not the people as a whole (of all States combined). If the latter were the case a vote could ignore and disenfranchise a State or States, and the country would thus be heading toward a national unitary State rather than a federal one, which consolidation would lead to the centralising of power.

These would be sovereign states so no constitution could tell them how to act outside of the agreement they are actually making. They are free parties to do as they please. We might suppose that States might include Wales, Scotland, Northern Ireland, regions such as Wessex or even counties such as Yorkshire.

If we are truly dedicated to individual sovereignty and the right

to free association then the people must decide for themselves the polities with which they identify and at what level. A series of referenda could determine this. It would be important to ensure borders reflected the natural values and customs of the people, rather than imposed by an arbitrary power. This would also facilitate greater stability and peace.

The Preamble goes on to affirm that because sovereignty lies in people, all power of government must flow from that – that the representatives of the people (and other agents of government) derive their power from the people and ought therefore to be amenable to them. That arbitrary power is wrong and that the people may rightfully resist the same where all means of redress have been exhausted.

A COMPACT & STRUCTURE

The Constitution is an agreement between sovereign parties: the States. The Confederation is based on consent.

The elements of the Confederation (legislative, executive, judicial, and the States themselves) provide a means to separate powers and to provide checks and balances. Sound government is based not in

confidence in men but in binding them down with the chains of a constitution. Checks that are not founded in self-love will prove ineffective.

The purpose of a wise constitution is to limit government. Sound government slows down decision-making, guards against single factions taking control, and seeks to make the most sensible of ideas come to the fore in terms of legislation.

THE LEGISLATURE

This upper chamber of the Congress is the real heart of the Confederation. It is the voice of the participating parties (the States) and equally weighted so that all States have an equal voice. Although there is a balance between the differing parts of the Confederation, the Council really is the chief body as it directly represents the States as States, and as such the Councillors are servants of the State Legislatures, to represent their interests as States. It is thus described as the presiding body. Its chief concern is the Confederation as a whole and foreign policy.

For the Council to become corrupt, the State Legislatures must also have become corrupt, and for them to become corrupt the people in

the State who elect them must also have become corrupt. In addition to these buffers, Councillors can be expelled (by the Council) and recalled (by their State Legislature) under certain conditions. The Council can also be checked by the lower chamber and the Constitutional Court.

Councillors must be at least 40 as the role requires experience and wisdom. They serve for six years, which reflects the time to become familiar with their role. Elections are held every two years so as to replace them gradually in order to keep the experience within the body. To avoid the corruption of career politics, Councillors may not serve more than one term in any twelve-year period.

The House of Commons is the popular lower chamber in the Confederation. George Mason, one of the wisest heads among the U.S. Framers, said that "we ought to attend to the rights of every class of people", and Madison added "popular election of one branch of the national legislature is essential to every plan of free government".

When we have both this popular chamber and the Council, the people are represented both individually and collectively. The lower chamber reflects the passions

and differing interests of the people as a whole. The Council checks this to avoid the excesses of mobocracy (and also to ensure the States as States are not disenfranchised). The lower chamber in a sense is thus the guardian of the rights of the people, as the Council is the guardian of the sovereignty of the States.

Normally democracy works best on a small level and locally. One of the reasons for this is that the voters are familiar with or at least have access to the people for whom they are voting. This is not the case with Representatives at the general level, but it does not need to be because they are not representing the local area (or making decisions about it) but rather they represent the broad range of views and characters of the people of the Confederation.

It also worth nothing here that it is said that there is an optimal number for elected bodies - too few and it is not representative enough, too many and it becomes cumbersome (and tends toward tyranny). One Representative per million has thus been chosen.

Representatives serve for two years and are blocked from serving twice in a row in order to avoid careerism.

The lower chamber is concerned

mainly with interstate (not intrastate) matters and, most importantly, will hold the key to the treasury of the Confederation. Its powers are to initiate (though not try) impeachments, approve/block/amend bills from the upper chamber, and initiate bills (including those that raise revenue).

THE PROCEDURES AND POWERS OF CONGRESS

Regarding compensation it's important that elected officials do not become creatures of the Confederation (i.e. not dependent upon the largesse of the general government), but it is also important that they receive a compensation that is adequate and which might not be given if left only to the States (which would lead to a lack of persons willing to serve, or of only the least talented serving - this had been the experience of the Framers under the Articles of Confederation). Thus the moderate compensation from the general level and a topping up where needed at the State level is a good balance that addresses both these issues.

Regarding letters of marque and reprisal the reader is referred to Dave Benner's article, "Letters of

Marque and Reprisal: An Introduction", which can be found on the following page: <https://tenthamentcenter.com/2014/04/09/letters-of-marque-and-reprisal-an-introduction/>

THE PASSING OF BILLS

Bills need to pass both houses, can be line-item vetoed by the Chief Executive (which then raises the majority needed to pass the bill). The Chief Executive needs to justify the reason for the veto (i.e. why it is unconstitutional) so as to avoid a partisan or arbitrary veto, yet also allow a robust blocking of unconstitutional bills.

Bills are to be very short, bear a title for clarity, and be limited to one subject. All bills need to also include a sunset clause set at ten years.

The budget bill (initiated by the lower chamber) must be specific as to how revenue will be used, and all States agree to provide funds on "an equal basis" as all States benefit equally from the Confederation.

THE EXECUTIVE

The term "President" has come to suggest a leader (even a dictator in some countries) and thus eclipse the true presiding body, the Council of the Sovereign States. So the term "Chief Executive" has been chosen

instead to hopefully make the role more clear and mundane.

The Chief Executive is elected by means of an Electoral College. There are a number of good reasons for this:

1. The Chief Executive needs to be independent of the Legislature (i.e. not elected by them)
2. The States as States must not be disenfranchised in any such vote
3. The people need to be involved, but as the people of the States and not as an amorphous body (otherwise populous states would dominate the selection process)
4. This system avoids FPTP as it relies upon a basic run-off system where the "majority of the whole number" of electors is required rather than a plurality

This system also avoids the problem of demagoguery by having electors who likely move in circles with or who have access to the candidates they are selecting. If this were not the case the people as a whole would not be informed enough as to the character and motives of those they were voting for and could be easily manipulated by the media.

THE CONSTITUTIONAL COURT

The main thrust here has been to ensure the Court functions only within its constitutional sphere. The supreme courts are the State Courts regarding everything but the few Constitutional matters they have delegated to the Confederation. The State Courts should be respected as the jurisdictions of sovereign states.

The judicial branch has a tendency to become too powerful - as we have seen in the U.S. - and so

additional checks against judicial overreach have been provided, empowering both the State Legislatures and even individual citizens.

The Constitutional Court is thus not a final court of appeal for all the States on all laws. It is perhaps best thought of as a court of arbitration between the States and between the States and the Confederation on matters that have been delegated to the Confederation.

CONVENTIONS AND AMENDMENTS

Conventions are meetings of the formal representatives of States outside of any confederation or other agreement, and they may determine to do whatsoever they like at such meetings. They are sovereign parties. It was such a convention that formed the U.S. Constitution (and abolished their former constitution under the Articles of Confederation). The tradition of conventions is a long-standing one.

Such a convention could thus change everything. Nevertheless, an agreement for single amendment conventions has been placed in section 2. This works through the Congress and must be backed by three-fourths of the State Legislatures, which will likely be used as long as the majority of States remain happy with the Constitution as a whole and believe single amendment changes will remedy any shortcoming. If not, they may remedy the whole compact with a convention or by their leaving the Confederation.

This then is a brief overview of some of the chief characteristics of this proposed Constitution that we present and recommend as a model for debate, framing, and ratification to future participating polities.



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