

Mike's Constitution

I created this document to show my admiration for the The United States Constitution, and to incorporate two hundred years of additional hindsight. This represents an academic exercize in thinking through the structure of government. It is hypothetical, and tends toward idealism rather than pragmatism. I am not suggesting that we should actually replace the existing constitution, or that this constitution would be better-suited for the United States in its present condition.

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Note: Comments in italics are not formally part of this constitution, but serve to assist others to understand the purpose and intent of the author. They shall be retained with the constitution for the purpose of assisting interpretation of the non-italic binding portion of this constitution.

1 The Purpose and Scope of Government

1.1 Government Purpose

Governments are created by people for the purpose of preserving rights that would otherwise be destroyed by chaos. Order itself is not the goal, but is rather a means to preserve rights, including the rights to property, liberty, fair

treatment, peace, and opportunity. A corrupt government will seek to preserve many rights for a few individuals at the expense of the rights of others, while a good government will seek to preserve as much right as possible among all of its citizens. This government shall be the latter type. Equal distribution of property and wealth is not a worthwhile goal because not all desire to labor equally to obtain and maintain it, but to the extent possible, all should be given an equal opportunity to improve their talents, to use their talents and efforts to improve their means, and to use their

means to benefit the people and causes of their desire.

1.2 Government Scope

As government exists for the purpose of preserving rights, it is expressly forbidden to pursue any other ultimate cause, or to engage in any activity that is not calculated to further the preservation of rights. For this purpose, certain authority to impose limitations is granted to the government by the people through this document. The government has no rights or authority except those specifically granted to it by the people, and the people have all rights except those specifically limited in compliance with this constitution and good judgment by the government, for the purpose of preserving rights.

2 Government Structure

2.1 Geographical Divisions

The nation shall be divided into 16 regions. Every 7 years, the region boundaries will be adjusted to maintain approximately equal population among the regions. *This is designed to address the fear that the U.S. Founding fathers had, that unequal distribution of population would result in unequal distribution of power between states. Unlike the electoral college, this solution actually solves the problem. Our current congress, which represents 50 states, is much larger than the one for which the constitution was originally designed. I believe better decisions tend to be made by a smaller congress as originally intended.* The simplest boundary plan that maintains approximately equal population must be chosen. If multiple boundary plans exist that are equal in their simplicity, the one that requires the least change must be chosen. *These restrictions are intended to prevent politicians from designing crazy boundaries intended to unify their supporters and divide their political foes (a.k.a. Gerrymandering). This*

problem is much easier to address than the problem of unequal power distribution. Each region shall be divided into 16 provinces. Province boundaries are periodically adjusted in a similar manner. The U.S. is too big to have just 16 states. I sub-divide the regions to compensate. This results in provinces that are smaller than states. I think states are too large to give the people a sense of community. The 256 provincial governments shall have more authority to govern the people than any other government. The regional government shall have power to supersede the provincial governments within the region, but the regional government shall be much more limited in the scope of its authority. The national government shall have power to supersede the regional governments, but it shall be more limited still in the scope of its authority. *I will discuss this design in more detail later. The general idea is that the U.S. has pretty-much stomped over the notion that each state is an independent country. I seek to establish a system that will better-maintain the intended local independence through time.*

2.2 Branches of Government

The government shall consist of six branches. The legislative branch is charged to make laws that will preserve liberty and promote the long-term well-being of the people. The executive branch is charged to defend rights from citizens that would infringe upon them by enforcing the law. The judicial branch is charged to see that justice is done. The defensive branch is charged to protect the nation from foreign aggression. The finance branch is charged to collect taxes, manage government assets, and promote economic growth. The constitution branch is charged to eliminate corruption and to preserve balance in power, and compliance with this constitution. *In comparison with the U.S. System, I have divided the judicial branch into two parts. Administering trials, and striking down unconstitutional laws are very different powers. I have taken the*

bureaucracy away from the executive branch and given it to the legislative branch. I have divided the remainder of the executive branch into two parts, foreign and domestic. I have completely overhauled the legislative branch to make it more dynamic and more accountable to the people.

2.3 The Legislative Branch

The legislative branch makes laws.

2.3.1 Structure

The legislative branch shall be organized in a manner that enables the people to rule when they are united, and entrusts representatives to make wise decisions when they are not. It is designed to be highly adaptive so that the people may seize power when they become united and replace the leadership. It is designed to prevent the establishment of professional politicians who drift out of touch with the people, and it is designed to enable all people to participate in the legislative process as far as they have interest and desire to do so.

2.3.1.1 Legislative Committees

The legislative branch is organized as a hierarchy of committees. Individuals who wish to participate in the legislative process may form a legislative committee with other citizens in the same province. Each legislative committee shall have no less than 8 members, and no more than 15 members. A committee with 15 members must either deny new members to join, or split into two committees first. A committee with only 8 members is immediately dissolved if one member decides to leave that committee. *This range of size balances between stability and productivity. Large committees make only compromises and have difficulty arriving at real solutions. Committees that are too small, on the other hand, are quick to propose radical solutions without considering all relevant consequences. Some*

might argue that 15 is too large to make intelligent decisions, but since these committees can self-form, they will tend to contain people that are likely to agree with each other.

2.3.1.1.1 Voting Procedure

One member in each legislative committee shall be appointed as the chair person. This person is responsible to conduct meetings. He/she shall see that every member has a fair opportunity to voice opinions, and must see that voting occurs on all matters of interest to members of the committee. Every vote shall be preceded by a deliberation in which each member is given an opportunity to express opinions. Members that do not participate in deliberation shall not be entitled to vote in committees. *People who care make better decision. People that "have no time" to participate in debate have no business influencing laws. Further, it is important that people can't gain power by simply herding ignorant masses into voting stations by feeding them false hopes that it will make their lives better, or by convincing them it is their patriotic duty, or other such lies. Requiring people to attend and participate in deliberations prior to voting ensures real intent.* These meetings may be conducted electronically as long as measures are taken to ensure that proper communication is enabled during deliberation and that an appropriate level of security is used to protect the integrity of the subsequent voting. All opinions and communications expressed during deliberation, and all votes cast shall be recorded and published openly. *This clause has many purposes. Among them, it make is possible to enforce that people only vote if they participate in deliberation, it ensures that potential leaders have a trail of opinions to scrutinize, it makes it difficult to embed hidden agendas in laws, and it ensures that representatives cannot misrepresent their committees without being caught.* No vote shall be performed unless there are at least 8 members to participate in deliberation and to vote.

2.3.1.1.2 Representatives

One member, who is not the chair person, shall be appointed as the committee representative. The representative shall represent the views of the committee in super-committee meetings (which are described hereafter). If a committee votes with a 2/3 majority on a particular issue, the committee representatives is required to vote according to the wishes of his/her committee in super-committee meetings. The representative is free to vote according to his own conscience on any matters for which there was not a 2/3 majority in his/her committee. *Thus, legislative representatives are directed by the common people when the people are united, and they are free to vote according to their own conscience when the people are conflicted. This is designed to balance between democracy and representation. The people should rule when they are largely united, but if the people always rule, they will be inconsistent, short-sighted, and drift wherever the winds of popularity blow. Letting representatives make decisions until the people become united will result in a course that is both deliberate and guided.* The representative may express his own opinions during deliberation, whether or not he/she is constrained to vote in a particular way. A representative is deemed to represent him/herself, as well as all of the people that voted in his/her committee meeting (transitively). If his/her committee did not vote on a particular issue, then he represents only him/herself. *This ensures fair representation, and also ensures that committees will seek for others to join them to strengthen their voting power, which will make it easy for new committees to form and join into the hierarchy.* A vote in a super-committee shall be binding if and only if there is a 2/3 majority with each vote weighted by the number of people represented, as well as a tie or a simple majority with each vote given equal weight. *For example, suppose a super-committee has 8 members. Suppose the first member represents 42 people, and the other 7 members each represent 3 people.*

If the first member votes "Yea" and the other 7 people vote "Nay", then the first member has a 2/3 majority by weight (exactly), but he does not have the simple majority by even-vote necessary to force the representative to vote his way, so he would need 3 other peers to join his cause.

2.3.1.1.3 Committee Details

It would be appropriate for a committee to establish its own rules regarding the use of time, and to eject members that fail to follow the rules. If a simple majority wishes to change a chair-person or a representative, but cannot obtain the 2/3 majority required to make it binding, it would be appropriate for them to leave the committee, causing it to be dissolved, and re-form.

2.3.1.1.4 Super-committees

Legislative super-committees are formed from no less than 8 and no more than 15 committee representatives within the same province who decide to form a super-committee. The super-committee deliberates and votes on matters just like a lower committee. 8 to 15 super-committees may form a super-super-committee, and these may form higher committees, and so forth as long as there are people interested in participating in the legislative process. Higher-level committees should publish their meeting agendas in advance so that lower committees will have time to deliberate and direct their representatives on relevant issues. Committees need not vote on issues for which they are disinterested, but they must meet a certain minimum level of activity which is established by the provincial congress.

2.3.1.2 Congresses

The representatives of the highest committees in a province form the congress of that province. The provincial congress is similar to a legislative committee, except that it has authority to pass laws that pertain to all citizens and resources within the province. *For example, the provincial*

congress will have power to establish organizations within the province. It might establish an organization to establish schools, and another to oversee zoning, and another to employ workers to construct roads, etc. Committees cannot directly influence provincial law, or the dealings of organizations established by congress, but the committees can unite in order to direct congress to take specific actions. In cases where the representative of a committee is too busy to attend the super-committee meeting, he may delegate that responsibility to a person who is not a member of any committee or congress. That person will attend both the committee meetings and the super-committee meetings, but he will have no voting power in the lower committee meetings. *Such delegation is necessary to break long chains where a representative of a high-level committee is also a representative of a lower committee, and all the way down.* A representative is chosen from each provincial congress to form the regional congress, and representatives of each regional congress form the national congress. This is the highest law-making body in the nation. The national congress has no single representative, so all laws passed at the national level require a 2/3 majority. *Because national laws apply to everyone and there is no escape from them, controversial issues have no place in national law.* There must be at least 8 representatives in each provincial congress. If there are fewer than 8 committees of the highest level in a province, then each committee of the highest level shall send multiple representatives as necessary to form a congress of at least 8 and at most 15 members.

2.3.1.3 Reorganizations

Any person may leave a committee (of any level) at any time. If any committee ever has fewer than 8 members, it is immediately dissolved. *This gives people great power to topple committee structures, and therefore to control their congress simply by leaving one committee and joining*

another. To maintain stability, committees will need to keep their members happy. The ease with which committees may be toppled and replaced ensures that the people's interests should not be neglected. The congresses cannot be toppled because they are automatically composed of the highest committees, but their membership can change easily. Changes of positions within a committee, adopting of new members, ousting of old members, and all other committee affairs are handled through the normal process of voting within the committee. Citizens may only be a member of at most one committee at any hierarchical level, so they are encouraged to select a committee that represents their interests. *For example, if a person joins a committee that prioritizes the views of his trade, he will not be able to join another committee that prioritizes his city or neighborhood, and vice versa, unless he can find enough people to form a committee that emphasizes both.* This system enables people to put their weight behind their priorities in the legislating process. *Note that organizational structures that group everyone geographically (which is how most current governments work) do not have this property. Such systems tend to silence every voice that disagrees with his/her neighbors. This system gives attention to people in the topics that matter most to them.* No committee or congress shall meet for more than 20 total hours in a week. *We want congressmen to be able to have other jobs. Otherwise, only rich retired people would be able to serve.* If a congress becomes too busy, it may delegate governing power to other organizations. *As mentioned in the section about sunset clauses, such delegations of power can only be temporary and must be renewed regularly. Thus, the power ultimately stays with congress, which is controlled by the people.*

2.3.2 Limitations

2.3.2.1 Freedom from Overreaching Government

The national government shall not regulate anything that can be regulated effectively by the regional governments. A regional government shall not regulate anything that can be regulated effectively by the provincial governments. A reasonable loss of effectiveness shall be preferred to homogeneous governing from a higher level of government. No law shall be made effective until the constitution branch has reviewed it for compliance with this and other constitutional limitations. *The constitution branch should immediately overturn any law that violates this requirement. When the framers of the U.S. constitution tried to establish a system of confederate states, the term "state" referred to an independent nation. That system was destroyed simply by redefining the term "state" to mean the same thing as "province". Homogeneity breeds corruption, and competition is the most powerful force against government corruption that the framers tried to establish. I believe this system will be more difficult to erode than the one intended by the framers of the U.S. constitution. A 2/3 majority shall be required to pass any law at the national level. Because national laws affect everyone, there is no escape from them. It is therefore inappropriate for controversial laws to be passed at this level.*

2.3.2.2 Freedom of Travel

Any person may travel or relocate to any other province or region within the nation without explanation and without disclosing any identifying information. The people are encouraged to live where they feel they will receive the best value to taxation ratio from the government. The people must also be permitted to move to other nations that will receive them. *Provincial and regional governments should have*

to compete for tax-payers by being more efficient at pleasing the people. This also ensures that people may escape from unfair provincial or regional laws or circumstances by moving to another province or region.

2.3.2.3 Voluntary Labor

The entire legislative branch of government shall operate strictly on a voluntary basis. No compensation shall be given to any person for any work involving the formation of laws. All citizens, including those employed by other branches of government, may participate in the legislative branch of government on a voluntary basis according to their interest in guiding the laws. *This is intended to prevent professional law-makers who drift out of touch with the world, and to promote participation by those that have good ideas and care. Since people are unlikely to volunteer regarding matters in which they have little interest, this should reduce the amount of law-making based on gut-feeling, buzz-words, media hype, and other forms of ignorance-in-action.* No member of any committee or congress shall accept compensation (including goods or services) from any party for voting in a particular manner. Both the accepting and offering of such bribes shall be a punishable offense. It is inappropriate for legislators to compromise or to vote for any reason except in accordance with their beliefs and conscience.

2.3.2.4 Freedom from Indirect Laws

No indirect law shall be made to prevent a problem that can be prevented effectively in a more direct manner. Indirect solutions may only be considered if there is a very compelling reason that the direct solution would be ineffective, and the indirect solution should involve dramatically lesser punishments than are associated with the direct solution. Further, the indirect solutions may not be implemented if they cause significant limitation to legitimate activities. *For example,*

hammers may not be outlawed in response to an increase in crimes involving hammers.

Affirmative action is an indirect solution to a problem because it forces an indirect metric (a mandatory percentage of minority workers to be hired) upon a company when the real goal is to prevent discrimination, and it may cause significant limitation to legitimate activities such as hiring the best person for the job. Further, affirmative action is degrading to the beneficiaries, which has very little to do with the real goal of preventing discrimination. Affirmative action would be an acceptable way to achieve fairness indirectly if and only if discrimination is a significant problem and no direct mechanism can be found to solve the problem.

2.3.2.5 Freedom from Legislating of Technical Issues

No law shall be passed to solve a problem that can be better solved by technical means. *For example, it would be illegal to require airline passengers to submit to searches if a simple cockpit door would prevent hijacking more effectively. It would be illegal to outlaw and punish the sending of unsolicited email when orchestrating a switch from the SMTP protocol to a better protocol with authentication would completely solve the problem, rather than perpetuate an annoying problem. It would also be illegal to ban the circumvention of digital encryption because that problem could be solved simply by using stronger keys. This should prevent horrible mistakes like the DMCA. The government should stay away from regulating technology. If a problem can be solved without the government, it should be solved without the government, even if the solution is reasonably less effective.*

2.3.2.6 Freedom of Thought

Congress shall pass no law to direct or influence the thoughts or beliefs of any person, nor shall

Congress make any attempt to limit the expression of beliefs so long as such expressions do not interfere with the rights of others.

2.3.2.7 Freedom of Speech

No law shall be passed to restrict criticism of government or any other entity. No law shall restrict the expression of opinions. No person shall be forced to endure any bothersome speech, but neither shall any person or group have power to prevent any kind of speech from being delivered to those that are willing to hear it. *This is intended to clarify when censorship may be appropriate, and when it is not.* No law shall limit any person's right to create and publish works of any nature of their own design and making. *This implies that patents are not able to restrict an intelligent person from using an idea if he is able to re-invent it himself.* The people shall have the right to private communication. No law shall prevent the people from taking measures to ensure the security and privacy of their communications, or prevent the people from gathering in private. *This will make sure that the government cannot demand back-doors to encrypted forms of communication, nor require private organization to submit to oversight.* The right to publish under a pseudonym, or anonymously, shall be protected. The possession of any information that was obtained in a legal manner shall not be a crime. Information carriers may charge for volume of information transmitted, but may not alter charges, or deny service based on the nature, purpose, or content of the information.

2.3.2.8 Freedom to Make Informed Choices

The government shall pass no law intended to protect informed people from the consequences of their own poor choices. *For example, there shall be no law against placing one's own life in danger by doing a particular act in an unsafe manner, as long as the action does not place others at any*

significant risk. As another example, the propensity for a particular drug to cause heart attacks would be a basis to require clear advertisement of the risk, but would not be a basis to ban people who think they know better from taking the drug. If many people incorrectly think they know better, the correct solution is to educate them, not to regulate them. It would be appropriate to regulate a drug that consistently causes people to harm others, but only if directly punishing the crime is found to be ineffective. The government shall not take responsibility for the foreseeable consequences of a few (whether informed or not) who made poor choices at the expense of many who did not make poor choices. As some level of difficulty is obviously inevitable, it shall be considered an informed poor choice to not maintain a reasonable level of preparedness for such times, particularly following times of plenty. No person shall be able to impose his/her religious views on anyone else. Laws directing individual choices must have a significant basis in preventing the infringement of the freedoms, peace, or rights of others. *If a particular drug frequently causes people to attack or abuse others, that may be a basis to outlaw the drug, if (and only if) a law against attacking others is so much less effective as to warrant the more indirect law.* Marriage shall be defined by religion, not the government. *It would be senseless for a government to recognize every union of two people, irrespective of gender, as a legitimate family. A government has no valid reason to promote "unions" of people, or to define the proper number as two. The government would be treading in ethical matters if it were to define marriage. It would certainly burn our legitimate freedoms later if we gave it that power now. Marriage is a sacred thing that should not be corrupted. Therefore, the government must not control the concept of marriage at all. Unfortunately, this limits the governments ability to extend benefits to families. Society is benefitted greatly by measures designed to benefit the family unit, but I think society is now too corrupt to*

recognize and respect that principle. For the protection of families, therefore, marriage should be shielded from the government. It is to the advantage of religions not to have the government messing with their teachings or controlling a concept that is important regarding ethical matters. No bill of attainder or ex post facto law shall be passed. No person shall be punished (or compensated) by the government in consequence of infringements that were legal at the time, nor shall amnesty be granted without altering the law that was violated. *This may result in some unjust punishments in order to preserve justice in the law. That stinks, but I think it is best to focus on keeping the law just in order to promote the most long-term justice.* For the well-being of the nation, it is appropriate for the government to attempt to protect the people from unintentionally making poor choices by exposing deceit, promote awareness of risks, and so forth. It shall not, however, force the people to comply except to protect the rights of the people. *For example, it would not be acceptable for the government to prevent a person from extending his own garage due to a building code. It would be acceptable for the government to establish a certification program and encourage people to pay significantly less for homes that do not obtain certification. Such a program would be superior because people would be free to ignore the certification program or establish competing programs with better regulations according to demand. It would also be appropriate to inform the people that disaster-relief aid will be prioritized in favor of those that take measures to be prepared. It would be appropriate to require appropriate certification for large buildings because this is a case where the choices of a few can affect the lives of many unaware people.*

2.3.2.9 Right to Peace and Opportunity

Citizens shall have the right to peace, and the opportunity to improve their station in life. *This is intended to provide justification for the*

government to sponsor school systems.

2.3.2.10 Right to Self-Defense

People shall not be held accountable for defending their rights or the rights of others in cases where the executive establishment is unavailable or unwilling to respond in a timely and appropriate manner.

2.3.2.11 Parental Rights

Parents shall have the right to determine the influences to which their children are subjected and shall have authority to raise and direct their families according to their beliefs as long as they are not abusive. The government shall be expressly prohibited from making laws that attempt to perform parental jobs which rightly belongs to the parents. Parents shall take responsibility for their children. In cases where parents resist taking responsibility, it shall be appropriate for the government to compel medical tests to be performed in order to establish parenthood. If one or more parents does not provide a basic level of support to his/her progeny, he/she shall be compelled to labor in a manner that will compensate the province for the cost of providing nurture and necessities to the rest of the family, and to avoid placing the burden on the tax-paying people when possible. A fetus shall be considered to be a living child 60 days after conception. *This needs to be defined in the constitution. Note that I am not attempting to specify a definition for ethical matters, but only a definition for legal matters. It is unacceptable to make women bear the responsibility for children she did not choose to have. It is unacceptable to make a series of complex laws forbidding abortion except in special cases, such as rape or mental retardation, because such laws can never get every case right. Getting it wrong on either side is an awful thing to do to the child. Further, a complex series of laws would set a precedent of the government making fuzzy judgment calls*

about ethical matters, which would inevitably result in the government infringing on important rights. It is obviously wrong to turn a blind eye to the execution of children that have already begun to develop. It may be wrong to destroy potential. For that matter, it may even be wrong for good people to do less good than they could by refraining from sacrificing to have more children, but the government does not belong there. The only just solution is for the government to establish a short period of time in which parents can be solely responsible before their conscience and God to do what is right. I am confident that God would agree that the law cannot and should not take responsibility in every matter. 60 days is a sufficient period of time. If it takes 40 days to recognize a pregnancy, this leaves 20 days in which the act may be committed in privacy. The complexity of the matter is no justification to extend the time to a greater length. Everyone of age should already know beforehand the responsibility that may follow having sex, even if the sex was not voluntary.

2.3.2.12 Freedom from Government Secrecy

The government must be open. Citizens have a right to know about, participate in, and influence all decision-making processes that may affect them or their posterity. The government shall take no action without fully publishing all decisions. Matters of significant national security shall be the only exception to this rule, and even then, full disclosure must occur as soon as the matter is no longer sensitive, and always within fifteen years. The government belongs to the people. *If something is too sensitive for the people, the government has no business dealing with it.* Leaders who claim national security as justification to keep some secret shall be held accountable for that choice and punished for its misuse when the information is made public.

2.3.2.13 Freedom from Government Pork

Laws with multiple purposes are in violation of this constitution and should be immediately overturned by the constitutionality branch. A law may be passed that enacts multiple different changes in order to accomplish one purpose, but there must be a clear cohesion of purpose with no hidden agendas or significant but non-obvious side-effects. *This is intended to prevent lawmakers from attaching pork to bills.*

Unnecessary complexities in any bill are also a violation of this constitution. If a simpler bill could accomplish a nearly-identical purpose, then the more complex bill should be immediately overturned. *This is intended to prevent bills from containing obscure exceptions or from deliberately catering to a specific party to promote specific interests.* No group shall be able to pass any self-serving, relative-serving, or friend-serving laws. All laws must be for the good of the nation, region, or province as a whole. Any laws that seek to benefit a particular group with a net greater cost to whole shall be treated as corruption, and those involved in its passage shall be investigated and punished accordingly.

2.3.2.14 Regulation may only apply where there is scarcity

Regulation should be used to prevent the domination and abuse of limited resources. It has no place where there is abundant competition and plentiful resources. *For example, if there is insufficient radio frequency to allot some to everyone, then the government may decide who may use it. If only a small number of businesses offer a particular service, the government may impose that these businesses conduct their affairs in a fair manner and do not suppress competition or entry into the business. On the other hand, the government shall not dictate what may be placed on a web page because there is plenty of space for them all. The government may not dictate a minimum wage for unskilled workers if there are many places that an unskilled worker may obtain*

employment, and many unskilled workers who may fill such positions. Regulation must be done in a manner that promotes the formation of new competition, and must never be a force to perpetuate the need for the regulation. *Often, regulatory laws make competition in a field impossible, thus guaranteeing the monopoly of the regulated industry. This is a gross mistake for the economy.* Since patents constitute a monopoly over an idea, it shall be appropriate for regulatory oversight to see that patented ideas are brought to the market and made available to as many people as possible. It would also be appropriate for the government to ensure that businesses which dominate their industry operate in a fair manner. Offering services only to those that agree to complex or unnecessary terms would not be a fair practice for such a business. If possible, government action should stimulate long-term competition, not just direct the behavior of the dominating entity. Until competition is restored, it may be acceptable, if necessary, to give budding competition unfair advantages over the dominating entity. The right to start and cultivate a business shall not be limited, and the law must not make this process unnecessarily difficult.

2.3.2.15 Sunset Clauses

All laws must expire within five years of the most recent congressional vote on the law. Even laws with which everyone is content must receive a periodic congressional vote to renew their effectiveness. Laws may not be approved or renewed in bulk. Every law must be read out loud in its entirety, allow debate, and receive a separate affirming congressional vote in order to be accepted as law. *This is intended to prevent unnecessary complexity in the law. If the law becomes too complex, then congress will become heavily burdened with renewing old laws and will be too busy to further aggravate the problem by passing new laws. Complex laws encourage dishonesty and corruption, and force law enforcement officers to make judgment calls,*

which further encourages corruption and dishonesty. Complexity creates legal loop-holes and enables unjust laws to remain in force. It is better to leave a problem unsolved than to “solve” it with complex laws. When a congress delegates authority to smaller and more focused organizations, this authority shall expire as any law unless it is renewed. Congress may do nothing of a permanent nature.

2.3.2.16 Taxation

The legislative branch shall have no budget, but congress shall set the budget for all other branches of government. Congress shall establish the budget for each branch, and shall establish taxes to obtain funds for the budget. Taxes shall come from the people that the branches of government serve. The people will pay taxes to the province, region, and nation. It is specifically prohibited for a higher government to collect excess funds in order to use these funds to influence lower governments. Tax money must be used only for the level of government for which it is collected. *This is the primary source of pork-barrel legislation in the U.S., and a major source of corruption. The U.S. federal government collects more taxes than it needs, and grants it to state governments that comply with its requirements and goals. Legislators win popularity in their state by "bringing home the bacon", thus reinforcing the system of corruption and giving the Fed total control over all state governments.* All taxes will be collected with an equal percentage from all people to whom the taxes apply, and no person in the province, region, or nation shall be exempt. Taxation must be kept simple, without special exceptions or unnecessary complexities. *It is to the benefit of the nation not to dampen the consequences of earning wealth. Taxation is not the right way to solve the disparity between rich and poor. That is better solved by creating a system that is difficult to exploit, and that is accomplished by keeping the rules simple. Congress can still decide to use/give money to*

benefit some organization or group of people, but it must do so after collecting taxes, rather than with tax exemptions. This way, it will be transparent where the money is going. Tax exemptions are a corrupt way that governments hide welfare and pet projects. Government agendas must be open, and thus taxation must be flat. The U.S. Constitution actually states “all Duties, Imposts and Excises shall be uniform throughout the United States.” I believe the authors intended the notion of “uniform” to guide our tax laws much more than we currently do. I think my wording will be harder to ignore. None of the 3 levels of government shall ever tax the people more than 10% annually each, and it should be significantly less during times of peace. This puts a cap of 30% total taxation. I set this cap very high in order to accommodate extreme times. A government that collects so much is certainly corrupt. No government levels shall intentionally go into debt. Stealing from the well-being of future generations in order to benefit one's current political career or to promote pet projects is among the most grievous forms of tyranny, and is in direct opposition to the causes for which great leaders give their time and lives. If a government (at any level) enters into debt, it must become debt-free within 4 years. If the government is not debt-free within 4 years, all government programs that are not necessary for the stability of the nation shall be immediately suspended so that the debt may be eliminated as quickly as possible. If the government does not project to be debt-free within two years of that time, even programs that are necessary for the stability of the nation must be eliminated. If the government is not debt-free within 6 years of the time that it entered into debt, all members of that congress shall be immediately dismissed and forbidden from serving as a member of congress or as a president for 30 years. The finance branch shall oversee an in-depth investigation to seek for corruption, negligence, or wasteful practices. Corruption in government shall not be lightly. Behaving irresponsibly with that which is forcibly

takes from the people is intolerable. There shall be no taxation applied specifically to commerce over province or region boundaries.

2.3.2.17 Material Property

The right to own and control property shall not be infringed. Citizens may enter into contractual agreements and shall be bound by them. Deceitful and confusing contracts shall not be tolerated, neither shall small or obscure print supersede that which is written in large or obvious print. Failure to honor contracts or repay debts to which a person willfully enters, having full understanding of the tenets of the contract, shall not be dealt with lightly. *Bankruptcy and other such easy ways out of contracts create legal stealing and weaken the foundations of economic development. Being bound to contracts promotes deliberateness when faced with a contract, and creates a stable economy. Honor-based-systems, which reward dishonest behavior by overlooking it because it is easier to just average out profits gained from the honest people are not good for the economy.*

2.3.2.18 Intellectual Property

It is unnatural for people to own ideas or information, however, in cases where the public will be benefitted by it, congress may grant ownership of intellectual property to authors for up to 15 years. No form of intellectual property shall be recognized 15 years after the intellectual work is first distributed. *The "for a limited time" clause in the U.S. constitution is blatantly ignored, so I am more explicit here. If some intellectual work is not profitable within 15 years, it is obviously not much of a benefit to society, and deserves no further protection from the government.* The concept of intellectual property shall not be used to prevent a person from reselling something that he has purchased for the price of his/her choice, nor shall it be used to prevent a person from referencing a work, quoting small portions, or criticizing it. *Lawyers these*

days like to claim that copyright law gives them the right to prevent people from publishing absurd terms in cease-and-desist letters, when actually this just prevents people from getting free legal help to combat the unfair claims in those letters. This is obviously a corruption of the notion of copyright. No work that can be represented with less than 50,000 bits when compressed using a general-purpose compression algorithm shall be deemed sufficiently complex to be subject to ownership. Factual information cannot be subject to ownership. Simple or obvious works cannot be subject to intellectual property. The combination of a small number of well-known concepts is not sufficient to warrant intellectual property protection.

2.3.2.19 Right to Basic Necessities

Each provincial government shall see that all people can obtain necessities of life, including a sanitary habitation, essential food, and access to information and education. The government shall not encourage nor trap people in poverty or any other undesirable situation by extending benefits only to those that meet conditions of need. Rather, help should be offered in a manner such that people of means will tend to prefer to support themselves in order to obtain preferable conditions. *For example, the wealthy will not choose to eat beans and rice every day, or to live in close proximity to others when they could own their own land. Government help should be supportive, but never enticing. It should help those in need, but encourage people to move onward and upwards, not backwards. The burden of helping the people rightly belongs to the provincial government because it is the closest to the people. This also ensures that no province will give too much welfare, or else all the impoverished will move to that province.* The province shall particularly ensure that children do not suffer greatly because they are born into poverty, and that they are educated sufficiently that they can escape from such conditions when

they are older. *In the U.S., much of the impoverished are single mothers, abandoned by fathers who refuse to take responsibility, are who are only poor because they are good enough to give their time to their children rather than to a career. Such families certainly deserve better than the mere necessities that this constitution requires provinces to give. Unfortunately, giving these families a good life has long-term destructive effects on society. The right long-term solution is for families to teach their children to be more careful. Where this fails, the responsibility falls on family, religion, and charities to set things right, not the government. If those organizations fail to make things right, society is corrupt. Further government intervention, nomatter how well-intentioned will only make things worse.*

2.3.2.20 Term Limits

A person must terminate all congressional service within eight years of the time that he/she first became a member of any congress. A person may become eligible to serve in a congress again after a period of ten years. *Service in congress should not become a career.*

2.3.2.21 Arms

All citizens of age 26 shall have the right to bear arms. *The government must always fear its citizens, and never the other way around.* Citizens shall have the right to manufacture arms for their own use, and shall have the right to perform chemistry experiments. Citizens shall have the right to be at least as well-armed as most officers of the executive branch, and shall have the right to own guns. *This specificity is intended to prevent some of the endless debates about the extent of the right to bear arms that happens with respect to the U.S. second amendment.*

2.4 Presidents

The other five branches (not the legislative

branch) shall each be headed by a president who shall serve for 6 years. After serving as a president of any branch of government, a person shall not serve as any president for a space of 10 years. All congress persons and presidents must be at least twenty years of age, and must have been citizens of this nation for at least fifteen years. Presidents shall be elected in the following manner.

2.4.1 Elections

Each region shall nominate one person for each of the five posts. Citizens will vote to accept or to reject each of the candidates. The half of the candidates that receive the fewest votes for acceptance shall be eliminated. Voting shall take place every two weeks until one person is selected to fill each of the posts. The candidates to be nominated by each region shall be elected earlier in a similar manner within the region. Provincial congresses may establish their own system for electing candidates for the regional voting.

2.4.2 Role

Each of the five presidents shall see that the branch he/she leads shall operate efficiently, fairly, and properly, to preserve the rights of the people. The four presidents, not including the president of the Constitution branch, are additionally charged to see that the Constitution branch operates with wisdom and honesty. When these four presidents are all united, they may overrule decisions by the president of the Constitution branch. The national congress may determine to call a vote for impeachment of any of the five presidents, in which case the citizens of the nation shall vote on the matter. If a majority of the people vote to impeach the president, another vote shall be held to elect a successor. If anything is found to be amiss in any of these five branches of government, the corresponding president should be asked to make changes within his/her organization. Failure to make corrections in an

admirable manner should result in a vote for impeachment. When all five presidents are united, they shall have power to irrevocably pardon crimes and offenses. Outside of the roles specified in this constitution, the presidents have no authority.

2.5 Separation of Powers

The branches of government are separated to prevent conflicts of interest and balance of power. Any cooperation between different branches of government shall be subject to additional scrutiny by disinterested branches to ensure that they do not collude to extend their power or authority or to do anything that would be contrary to the wishes of the people or other branches of government, or seek to interfere with the duties of members of any other branch of government. The only exception to this separation shall be that all citizens may serve on legislative committees, but no member of any other branch of government shall serve as a member of any congress.

2.6 The Executive Branch

The executive branch is charged to preserve the rights of freedom, property, privacy and peace by preventing citizens from infringing on these rights, and by enforcing the law. Eliminating all crime is not a worthwhile goal. Rather, the executive branch should seek to preserve rights as far as possible. This requires enforcing the law without imposing unnecessary burdens or invasions on citizens and without treating them in an unfair manner. In addition to finding the perpetrators of abuse and violent crimes and regulating traffic, the executive branch should also seek to find and eliminate deceit, fraud, false advertising, violence, abuse, embezzlement, and any other crimes that deprive others of rights.

2.6.1 Due Process, and the right to sue

No person shall be arrested unless that person has violated a specific law, and that law shall be identified to the person in writing at the time of arrest, and documented. The accused shall be entitled to determine whether or not the accusation shall be published, and whether or not the proceedings of the trial shall be made public. If the accused wishes to have the accusation and/or trial proceedings published, it shall be done immediately, and without regard to any negative effect that such publication may have on the accuser. Secret use of the legal system is never appropriate. The accused shall be entitled to a speedy and fair trial. The falsely accused shall receive just, but not excessive, compensation for the inconvenience if he/she is judged to be innocent. (The accuser is not responsible for the consequences of panic or overreaction, or the cost of unnecessary preparations for legal defense that may be taken by the accused.) Citizens may accuse any entity of violating a specific law in the same manner, and that entity shall be judged as if accused by a member of the executive branch. Bad faith attempts to seek compensation to which a person is not entitled shall be treated as attempted robbery. Additional measures may be taken as necessary to ensure that this system is not abused for the purpose of afflicting or interfering with the legal rights of others, and to ensure that people are only held accountable to follow established law, and not the whims of zealous citizens.

2.6.2 Limitations

The executive branch shall not violate the citizens' right to privacy, nor shall it deprive any citizen of any right without due process of law. No limitations on employment or purchases shall be imposed in order to enforce any law.

2.6.3 Transportation

The executive branch shall oversee the construction, maintenance, and regulation of systems for transportation within the nation.

2.7 The Judicial Branch

The Judicial branch shall oversee fair trials to determine if a law has been violated and to proscribe just punishments. The accused shall be entitled to choose to receive a trial by an impartial jury, or a trial by a judge who is an expert in legal matters. In cases of significant consequences, a trial by a panel of judges shall also be an option for the accused.

2.7.1 Fair Punishments

All punishments must fit the crime for which they are given. Excessive punishments shall not be given to appease the irrational fear or disgust that some may have for a particular crime, or for any other reason. Unusual punishments shall not be given.

2.7.2 Establishment of Guilt

No person shall be held accountable for actions that were legal at the time the act was performed. For offenses of any significant consequence, a person shall be considered innocent until proven guilty beyond reasonable doubt. The ability or potential to commit a crime does not establish guilt. If guilt cannot be established with certainty, there shall be no punishment. It shall not be acceptable to “throw the book” at someone, or make an example for committing a crime for which some (or many) have an irrational fear or disgust. A person shall not face trial multiple times for the same crime unless new and significantly more profound evidence than was previously available is discovered. In such a case, the accused must only face trial regarding the new evidence. No penalties shall be adjusted to

compensate for the possibility that the person was incorrectly found innocent of previous crimes, or that he/she may have committed several crimes for which sufficient evidence was not found to justify a trial. *If an executive officer doesn't have enough evidence to justify the conviction that he feels a certain criminal deserves, then he should keep searching for more evidence. Even if the criminal really does deserve punishment, a conviction based on impressions and instincts that cannot be proven would cause the deterioration of the justice system, which is more important.*

2.7.3 Forgiveness is all-or-nothing

After a punishment has been satisfied, the former criminal shall be completely absolved of the crime and thereafter treated as if no crime was committed. There shall be no partial state in which a former criminal has paid the price and is restored some rights but still deprived of others. *Under current U.S. law, if an 18-year-old boy has consensual sex with his 17-year-old girlfriend, he will have committed statutory rape and must be placed on a list of sex-offenders, from which his name can never be removed. This denies him of privacy and many other rights including the ability to ever fully recover from his crime. This crime has been indirectly made unforgivable. It would be more appropriate to punish him for a few more years and then allow him to start a new life.*

2.8 The Defensive Branch

The defensive branch shall be responsible for diplomacy with foreign nations and shall protect the nation from foreign aggression. It shall manage the military, secure the national borders, and manage immigration. *The defensive branch is specifically separated from the executive branch to prevent them from using national security as an excuse to infringe upon the civil rights and liberties of citizens.*

2.8.1 Immigration

Persons wishing to become citizens of this nation shall be admitted if they are deemed to be a benefit to the nation. A trial period in which immigrants shall perform public services may be established in order to give them an opportunity to be of worth to the nation. The president of the defensive branch shall adjust the requirements in order to regulate immigration.

2.8.2 The Military and War

The military shall be maintained and directed at the regional level, but there may be coordination in times of war. Treaties with foreign nations may only be made with regions, never with the nation as a whole. *This is intended to help protect the nation from foreign interests that may not benefit the whole nation. In the eyes of foreign nations, we are 16 independent nations, not one. Many believe that the U.S. should be recognized as 50 independent nations, but that obviously didn't work out.* War may only be declared by the national congress, and only if the president of the defensive branch is in agreement. The nation shall not engage in any offensive war.

2.8.3 Negotiations

The government shall not negotiate with entities that seek to forcibly impose their will upon the nation or others. The paying of ransoms is a cowardly act that promotes bad behavior, and the government shall not engage in this practice, nor shall it permit its citizens to do so.

2.9 The Finance Branch

The finance branch shall collect taxes and manage government assets. It shall invest excess funds in order to obtain interest, but it shall not invest public funds in a manner that places it at significant risk.

2.9.1 Economy

The finance branch shall monitor the economy and shall make recommendations to congress regarding measures that will promote stability and economic growth. It is specifically charged to ensure that the economy is friendly to the formation of new businesses in every area, and to promote competitive and free-market business practices.

2.9.2 Business

The finance branch shall have power to prohibit obnoxious forms of advertising. It shall ensure that businesses do not engage in collusion or any other practice designed to prevent competition or secure market share except to provide better goods or services at lower prices. It shall prevent any business from charging unequal prices to different customers, from attempting to control how a good or service is used after it is sold to a customer, from charging different prices depending how a good or service is used, from attempting to prevent resale of any good, from locking in customers with unreasonable or unnecessary contracts, from making superfluous or unnecessary requirements to obtain a good or service, from taking advantage of market control, from engaging in any deceptive practice, or from performing any act which is designed to make competition more difficult. The finance branch shall be swift to punish violating companies, and shall not hesitate to divide large companies or use revenue from fines to sponsor new competition as needed for the benefit of the market.

2.9.3 Printing of Money

The entire nation shall use a common currency which all regions and provinces must honor, but no region shall be prevented from additionally minting its own currency. The printing or creation of new money of the national currency requires both an act of the national congress as well as the

approval of the president of the finance branch. Because the creation of new currency causes the existing currency to lose some of its value, this effect shall be computed and subtracted from the taxes that the national government is permitted to collect the next time taxes are collected. The amount of money printed shall be published openly.

2.9.4 Welfare and Education

The finance branch shall oversee programs that seek to promote the well-being of the people, including programs that ensure the availability of basic necessities, and systems of education. *These two areas are naturally coupled. It would be counter-productive to expect one branch to improve the well-being of impoverished people without also giving that branch power to make changes to the education system, which is the best way to make long-term improvements in that area. These two areas also require significant balancing with money and have ramifications on economic development.* The government shall respect poverty as a personal choice, rather than attempt to fix it as if it were an unfair condition. *If one spends all his money when he is young, then he chooses to be impoverished when he is old. If the government bails out poor old people, then it punishes those who prudently save. It is never fair to treat poverty itself as a condition.* The government may, however, seek to remedy or offset actual unfair conditions that promote poverty, such as physical or mental handicaps, unforeseeable disasters so extreme as to overwhelm the resources of a well-prepared family, and so forth.

2.9.5 Budgets

No branch of government shall operate with any money except that appropriated to it by congress for its budget. Any fines, bails, fees, or spoils collected by any branch for any purpose shall be directed to the finance branch as if collected as

taxes (and shall reduce the amount that may be further collected as taxes). *This is intended to prevent corruption. For example, we don't want the police to benefit from handing out lots of tickets, we don't want the defensive branch to benefit by charging exorbitant immigration fees, etc.* All branches of government shall be permitted to save money from their budget that they do not spend, and use it later to advance their purpose as they deem appropriate. Any interest earned on such savings shall also remain theirs to control. *Requiring branches to "spend it or lose it" is a terrible policy that encourages wasteful spending. No branch will behave responsibly with money unless it is to its advantage to do so, therefore, we must make it to its advantage to do so.* All branches of government shall publicly publish a full accounting of all money that is received and spent.

2.10 The Constitution Branch

The constitution branch is charged to scrutinize the legislative branch and ensure that all laws are consistent with this constitution. No law shall be passed unless it is approved by the appropriate member of the constitution branch within 30 days of passage. The president of this branch shall oversee the national congress. One person shall be elected in each region to oversee the regional congress, and the provincial congresses likewise. Members of this branch shall have veto authority over all new laws. They shall veto all laws that are unwise, unfair, unnecessarily complex, promote corruption, promote unintended side-effects, cause powers to become more imbalanced, assign authority differently than specified in this constitution, or are inconsistent with this constitution in any way. They shall veto all laws made by a lower congress that are not consistent with the laws of a higher congress, and they shall veto all laws made by a higher congress that lack a sufficiently compelling reason to be made at such a high level rather than at a lower level. They shall not permit any law that indirectly

discourages good behavior or incentives bad actions. The Constitution branch may not overturn laws that were passed and accepted by former members of the Constitution branch. *Since all laws have a sunset clause, this isn't a very big deal. The unconstitutional law will expire soon anyway, and the new Constitution branch will have power to prevent it from being re-instated.*

3 Precedence

In matters unspecified by this constitution, precedence shall be established according to affairs in the United States of America at the time that this constitution was written, until congress shall establish new law regarding the matter.

4 Amendment Procedure

Constitutional amendments may be approved through the following process: First, the national congress or the six presidents shall vote, then the other shall vote. Finally, the citizens shall vote. Two out of three of these groups must approve the amendment with a 2/3 majority, and the third group must approve with a tie or a simple majority. None of these groups shall approve an amendment that violates the spirit or intent of this constitution or that unwisely promotes the interests of a specific group.