

**A PROPOSED  
CONSTITUTIONAL MODEL FOR THE  
NEWSTATES OF  
“AMERICA”**

PREPARED OVER A 10 YEAR PERIOD

BY THE

CENTER FOR DEMOCRATIC STUDIES

OF SANTA BARBARA, CALIFORNIA

AT A TOTAL COST TO THE UNITED

STATES TAXPAYER OF OVER

\$25 MILLION

2005

candidates.

In this election, the one having the most votes shall prevail.

SECTION 9. The Overseer shall also:

a. Arrange for the convening of the national legislative houses on the fourth Tuesday of July.

b. Arrange for inauguration of the President and Vice-Presidents on the second Tuesday of August.

SECTION 10. All costs of electoral procedures shall be paid from public funds, and there shall be no private contributions to parties or candidates; no contributions or expenditures for meetings, conventions, or campaigns shall be made; and no candidate for office may make any personal expenditures unless authorized by a uniform rule of the Overseer; and persons or groups making expenditures, directly or indirectly, in support of prospective candidates shall report to the Overseer and shall conform to his regulations.

SECTION 11. Expenses of the Electoral Branch shall be met by the addition of one percent to the net annual taxable income returns of taxpayers, this sum to be held by the Chancellor of Financial Affairs for disposition by the Overseer.

Funds shall be distributed to parties in proportion to the respective number of votes cast for the President and Governors at the last election, except that new parties, on being recognized, shall share in proportion to their number. Party administrators shall make allocations to legislative candidates in amounts proportional to the party vote at the last election.

Expenditures shall be audited by the Watchkeeper; and sums not expended within four years shall be returned to the Treasury.

It shall be a condition of every communications franchise that reasonable facilities shall be available for allocations by the Overseer.

## ARTICLE IV

### The Planning Branch

SECTION 1. There shall be a Planning Branch to formulate and administer plans and to prepare budgets for the uses of expected income in pursuit of policies formulated by the processes provided herein.

SECTION 2. There shall be a National Planning Board of fifteen members appointed by the President; the first members shall have terms designated by the President of one to fifteen years, thereafter one shall be appointed each year; the President shall appoint a Chairman who shall serve for fifteen years unless removed by him.

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SECTION 11. Education shall be provided at public expense for those who meet appropriate tests of eligibility.

SECTION 12. No person shall be deprived of life, liberty, or property without due process of law. No property shall be taken without compensation.

SECTION 13. Legislatures shall define crimes and conditions requiring restraint, but confinement shall not be for punishment; and, when possible, there shall be preparation for return to freedom.

SECTION 14. No person shall be placed twice in jeopardy for the same offense.

SECTION 15. Writs of habeas corpus shall not be suspended except in declared emergency.

SECTION 16. Accused persons shall be informed of charges against them, shall have a speedy trial, shall have reasonable bail, shall be allowed to confront witnesses or to call others, and shall not be compelled to testify against themselves; at the time of arrest they shall be informed of their right to be silent and to have counsel, provided, if necessary, at public expense; and courts shall consider the contention that prosecution may be under an invalid or unjust statute.

#### B. Responsibilities

SECTION 1. Each freedom of the citizen shall prescribe a corresponding responsibility not to diminish that of others: of speech, communication, assembly, and petition, to grant the same freedom to others; of religion, to respect that of others; of privacy, not to invade that of others; of the holding and disposal of property, the obligation to extend the same privilege to others.

SECTION 2. Individuals and enterprises holding themselves out to serve the public shall serve all equally and without intention to misrepresent, conforming to such standards as may improve health and welfare.

SECTION 3. Protection of the law shall be repaid by assistance in its enforcement; this shall include respect for the procedures of justice, apprehension of lawbreakers, and testimony at trial.

SECTION 4. Each citizen shall participate in the processes of democracy, assisting in the selection of officials and in the monitoring of their conduct in office.

SECTION 5. Each shall render such services to the nation as may be uniformly required by law, objection by reason of conscience being adjudicated as hereinafter provided; and none shall expect or may receive special privileges unless they be for a public purpose defined by law.

SECTION 6. Each shall pay whatever share of governmental costs is consistent with fairness to all.

SECTION 7. Each shall refuse awards or titles from other nations or their representatives except as they be authorized by law.

SECTION 8. There shall be a responsibility to avoid violence and to keep the peace; for this reason the bearing of arms or the possession of lethal weapons shall be confined to the police, members of the armed forces, and those licensed under law.

SECTION 9. Each shall assist in preserving the endowments of nature and enlarging the inheritance of future generations.

SECTION 10. Those granted the use of public lands, the air, or waters shall have a responsibility for using these resources so that, if irreplaceable, they are conserved and, if replaceable, they are put back as they were.

SECTION 11. Retired officers of the armed forces, of the senior civil service, and of the Senate shall regard their service as a permanent obligation and shall not engage in enterprise seeking profit from the government.

SECTION 12. The devising or controlling of devices for management or technology shall establish responsibility for resulting costs.

SECTION 13. All rights and responsibilities defined herein shall extend to such associations of citizens as may be authorized by law.

## ARTICLE II

### The Newstates

SECTION 1. There shall be Newstates, each comprising no less than 5 percent of the whole population. Existing states may continue and may have the status of Newstates if the Boundary Commission, hereinafter provided, shall so decide. The Commission shall be guided in its recommendations by the probability of accommodation to the conditions for effective government. States electing by referendum to continue if the Commission recommend otherwise shall nevertheless accept all Newstate obligations.

SECTION 2. The Newstates shall have constitutions formulated and adopted by processes hereinafter prescribed.

SECTION 3. They shall have Governors, legislatures, and planning, administrative, and judicial systems.

SECTION 4. Their political procedures shall be organized and supervised by electoral Overseers; but their elections shall not be in years of presidential election.

SECTION 5. The electoral apparatus of the Newstates of America shall be available to them, and they may be allotted funds under rules agreed to by the national Overseer; but expenditures may not be made by or for any candidate except they be approved by the Overseer; and requirements of residence in a voting district shall be

no longer than thirty days.

SECTION 6. They may charter subsidiary governments, urban or rural, and may delegate to them powers appropriate to their responsibilities.

SECTION 7. They may lay, or may delegate the laying of, taxes; but these shall conform to the restraints stated hereinafter for the Newstates of America.

SECTION 8. They may not tax exports, may not tax with intent to prevent imports, and may not impose any tax forbidden by laws of the Newstates of America; but the objects appropriate for taxation shall be clearly designated.

SECTION 9. Taxes on land may be at higher rates than those on its improvements.

SECTION 10. They shall be responsible for the administration of public services not reserved to the government of the Newstates of America, such activities being concerted with those of corresponding national agencies, where these exist, under arrangements common to all.

SECTION 11. The rights and responsibilities prescribed in this Constitution shall be effective in the Newstates and shall be suspended only in emergency when declared by Governors and not disapproved by the Senate of the Newstates of America.

SECTION 12. Police powers of the Newstates shall extend to all matters not reserved to the Newstates of America; but preempted powers shall not be impaired.

SECTION 13. Newstates may not enter into any treaty, alliance, confederation, or agreement unless approved by the Boundary Commission hereinafter provided.

They may not coin money, provide for the payment of debts in any but legal tender, or make any charge for inter-Newstate services. They may not enact ex post facto laws or ones impairing the obligation of contracts.

SECTION 14. Newstates may not impose barriers to imports from other jurisdictions or impose any hindrance to citizens' freedom of movement.

SECTION 15. If governments of the Newstates fail to carry out fully their constitutional duties, their officials shall be warned and may be required by the Senate, on the recommendation of the Watchkeeper, to forfeit revenues from the Newstates of America.

### **ARTICLE III**

#### **The Electoral Branch**

SECTION 1. To arrange for participation by the electorate in the determination of policies and the selection of officials, there shall be an Electoral Branch.

SECTION 2. An Overseer of electoral procedures shall be chosen by majority of the

Senate and may be removed by a two-thirds vote. It shall be the Overseer's duty to supervise the organization of national and district parties, arrange for discussion among them, and provide for the nomination and election of candidates for public office. While in office the Overseer shall belong to no political organization; and after each presidential election shall offer to resign.

SECTION 3. A national party shall be one having had at least a 5 percent affiliation in the latest general election; but a new party shall be recognized when valid petitions have been signed by at least 2 percent of the voters in each of 30 percent of the districts drawn for the House of Representatives. Recognition shall be suspended upon failure to gain 5 percent of the votes at a second election, 10 percent at a third, or 15 percent at further elections.

District parties shall be recognized when at least 2 percent of the voters shall have signed petitions of affiliation; but recognition shall be withdrawn upon failure to attract the same percentages as are necessary for the continuance of national parties.

SECTION 4. Recognition by the Overseer shall bring parties within established regulations and entitle them to common privileges.

SECTION 5. The Overseer shall promulgate rules for party conduct and shall see that fair practices are maintained, and for this purpose shall appoint deputies in each district and shall supervise the choice, in district and national conventions, of party administrators. Regulations and appointments may be objected to by the Senate.

SECTION 6. The Overseer, with the administrators and other officials, shall:

a. Provide the means for discussion, in each party, of public issues, and, for this purpose, ensure that members have adequate facilities for participation.

b. Arrange for discussion, in annual district meetings, of the President's views, of the findings of the Planning Branch, and such other information as may be pertinent for enlightened political discussion.

c. Arrange, on the first Saturday in each month, for enrollment, valid for one year, of voters at convenient places.

SECTION 7. The Overseer shall also:

a. Assist the parties in nominating candidates for district members of the House of Representatives each three years; and for this purpose designate one hundred districts, each with a similar number of eligible voters, redrawing districts after each election. In these there shall be party conventions having no more than three hundred delegates, so distributed that representation of voters be approximately equal.

Candidates for delegate may become eligible by presenting petitions signed by two hundred registered voters. They shall be elected by party members on the first Tuesday in March, those having the largest number of votes being chosen until the three hundred be complete. Ten alternates shall also be chosen by the same process.

District conventions shall be held on the first Tuesday in April. Delegates shall choose three candidates for membership in the House of Representatives, the three having the most votes becoming candidates.

b. Arrange for the election each three years of three members of the House of Representatives in each district from among the candidates chosen in party conventions, the three having the most votes to be elected.

SECTION 8. The Overseer shall also:

a. Arrange for national conventions to meet nine years after previous presidential elections, with an equal number of delegates from each district, the whole number not to exceed one thousand.

Candidates for delegates shall be eligible when petitions signed by five hundred registered voters have been filed. Those with the most votes, together with two alternates, being those next in number of votes, shall be chosen in each district.

b. Approve procedures in these conventions for choosing one hundred candidates to be members-at-large of the House of Representatives, whose terms shall be coterminous with that of the President. For this purpose delegates shall file one choice with convention officials. Voting on submissions shall proceed until one hundred achieve 10 percent, but not more than three candidates may be resident in any one district; if any district have more than three, those with the fewest votes shall be eliminated, others being added from the districts having less than three, until equality be reached. Of those added, those having the most votes shall be chosen first.

c. Arrange procedures for the consideration and approval of party objectives by the convention.

d. Formulate rules for the nomination in these conventions of candidates for President and Vice-Presidents when the offices are to fall vacant, candidates for nomination to be recognized when petitions shall have been presented by one hundred or more delegates, pledged to continue support until candidates can no longer win or until they consent to withdraw. Presidents and Vice-Presidents, together with Representatives-at-large, shall submit to referendum after serving for three years, and if they are rejected, new conventions shall be held within one month and candidates shall be chosen as for vacant offices.

Candidates for President and Vice-Presidents shall be nominated on attaining a majority.

e. Arrange for the election on the first Tuesday in June, in appropriate years, of new candidates for President and Vice-Presidents, and members-at-large of the House of Representatives, all being presented to the nation's voters as a ticket; if no ticket achieve a majority, the Overseer shall arrange another election, on the third Tuesday in June, between the two persons having the most votes; and if referendum so determine he shall provide similar arrangements for the nomination and election of



candidates.

In this election, the one having the most votes shall prevail.

**SECTION 9.** The Overseer shall also:

a. Arrange for the convening of the national legislative houses on the fourth Tuesday of July.

b. Arrange for inauguration of the President and Vice-Presidents on the second Tuesday of August.

**SECTION 10.** All costs of electoral procedures shall be paid from public funds, and there shall be no private contributions to parties or candidates; no contributions or expenditures for meetings, conventions, or campaigns shall be made; and no candidate for office may make any personal expenditures unless authorized by a uniform rule of the Overseer; and persons or groups making expenditures, directly or indirectly, in support of prospective candidates shall report to the Overseer and shall conform to his regulations.

**SECTION 11.** Expenses of the Electoral Branch shall be met by the addition of one percent to the net annual taxable income returns of taxpayers, this sum to be held by the Chancellor of Financial Affairs for disposition by the Overseer.

Funds shall be distributed to parties in proportion to the respective number of votes cast for the President and Governors at the last election, except that new parties, on being recognized, shall share in proportion to their number. Party administrators shall make allocations to legislative candidates in amounts proportional to the party vote at the last election.

Expenditures shall be audited by the Watchkeeper; and sums not expended within four years shall be returned to the Treasury,

It shall be a condition of every communications franchise that reasonable facilities shall be available for allocations by the Overseer.

## **ARTICLE IV**

### **The Planning Branch**

**SECTION 1.** There shall be a Planning Branch to formulate and administer plans and to prepare budgets for the uses of expected income in pursuit of policies formulated by the processes provided herein.

**SECTION 2.** There shall be a National Planning Board of fifteen members appointed by the President; the first members shall have terms designated by the President of one to fifteen years, thereafter one shall be appointed each year; the President shall appoint a Chairman who shall serve for fifteen years unless removed by him.

SECTION 10. The Planning Branch shall make and have custody of official maps, and these shall be documents of reference for future developments both public and private; on them the location of facilities, with extension indicated, and the intended use of all areas shall be marked out.

Official maps shall also be maintained by the planning agencies of the Newstates, and in matters not exclusively national the National Planning Board may rely on these.

Undertakings in violation of official designation shall be at the risk of the venturer, and there shall be no recourse; but losses from designations after acquisition shall be recoverable in actions before the Court of Claims.

SECTION 11. The Planning Branch shall have available to it funds equal to one-half of one percent of the approved national budget (not including debt services or payments from trust funds). They shall be held by the Chancellor of Financial Affairs and expended according to rules approved by the Board; but funds not expended within six years shall be available for other uses.

SECTION 12. Allocations may be made for the planning agencies of the Newstates; but only the maps and plans of the national Board, or those approved by them, shall have status at law.

SECTION 13. In making plans, there shall be due regard to the interests of other nations and such cooperation with their intentions as may be approved by the Board.

SECTION 14. There may also be cooperation with international agencies and such contributions to their work as are not disapproved by the President.

## **ARTICLE V**

### **The Presidency**

SECTION 1. The President of the Newstates of America shall be the head of government, shaper of its commitments, expositor of its policies, and supreme commander of its protective forces; shall have one term of nine years, unless rejected by 60 percent of the electorate after three years; shall take care that the nation's resources are estimated and are apportioned to its more exigent needs; shall recommend such plans, legislation, and action as may be necessary; and shall address the legislators each year on the state of the nation, calling upon them to do their part for the general good.

SECTION 2. There shall be two Vice-Presidents elected with the President; at the time of taking office the President shall designate one Vice-President to supervise internal affairs; and one to be deputy for general affairs. The deputy for general affairs shall succeed if the presidency be vacated; the Vice-President for internal affairs shall be second in succession. If either Vice-President shall die or be incapacitated, the President, with the consent of the Senate, shall appoint a successor. Vice-Presidents shall serve during an extended term with such assignments as the

President may make.

If the presidency fall vacant through the disability of both Vice-Presidents, the Senate shall elect successors from among its members to serve until the next general election.

With the Vice-Presidents and other officials the President shall see to it that the laws are faithfully executed and shall pay attention to the findings and recommendations of the Planning Board, the National Regulatory Board, and the Watchkeeper in formulating national policies.

SECTION 3. Responsible to the Vice-President for General Affairs there shall be Chancellors of External, Financial, Legal, and Military Affairs.

The Chancellor of External Affairs shall assist in conducting relations with other nations.

The Chancellor of Financial Affairs shall supervise the nation's financial and monetary systems, regulating its capital markets and credit-issuing institutions as they may be established by law; and this shall include lending institutions for operations in other nations or in cooperation with them, except that treaties may determine their purposes and standards.

The Chancellor of Legal Affairs shall advise governmental agencies and represent them before the courts.

The Chancellor of Military Affairs shall act for the presidency in disposing all armed forces except militia commanded by governors; but these shall be available for national service at the President's convenience.

Except in declared emergency, the deployment of forces in far waters or in other nations without their consent shall be notified in advance to a national security committee of the Senate hereinafter provided.

SECTION 4. Responsible to the Vice-President for Internal Affairs there shall be chancellors of such departments as the President may find necessary for performing the services of government and are not rejected by a two-thirds vote when the succeeding budget is considered.

SECTION 5. Candidates for the presidency and the vice-presidencies shall be natural-born citizens. Their suitability may be questioned by the Senate within ten days of their nomination, and if two-thirds of the whole agree, they shall be ineligible and a nominating convention shall be reconvened. At the time of his nomination no candidate shall be a member of the Senate and none shall be on active service in the armed forces or a senior civil servant.

SECTION 6. The President may take leave because of illness or for an interval of relief, and the Vice-President in charge of General Affairs shall act. The President may resign if the Senate agree; and, if the term shall have more than two years to run,

The Intendant shall also charter nonprofit corporations (or foundations), unless the President shall object, determined by him to be for useful public purposes. Such corporations shall be exempt from taxation but shall conduct no profitmaking enterprises.

SECTION 15. The Intendant shall also be a counselor for the coordination of scientific and cultural experiments, and for studies within the government and elsewhere, and for this purpose shall employ such assistance as may be found necessary.

SECTION 16. Offices for other purposes may be established and may be discontinued by presidential order within the funds allocated in the procedures of appropriation.

## **ARTICLE VI**

### **The Legislative Branch**

(The Senate and the House of Representatives)

#### **A. The Senate**

SECTION 1. There shall be a Senate with membership as follows: If they so desire, former Presidents, Vice-Presidents, Principal Justices, Overseers, Chairmen of the Planning and Regulatory Boards, Governors having had more than seven years' service, and unsuccessful candidates for the presidency and vice-presidency who have received at least 30 percent of the vote. To be appointed by the President, three persons who have been Chancellors, two officials from the civil services, two officials from the diplomatic services, two senior military officers, also one person from a panel of three, elected in a process approved by the Overseer, by each of twelve such groups or associations as the President may recognize from time to time to be nationally representative, but none shall be a political or religious group, no individual selected shall have been paid by any private interest to influence government, and any association objected to by the Senate shall not be recognized. Similarly, to be appointed by the Principal Justice, two persons distinguished in public law and two former members of the High Courts or the Judicial Council. Also, to be elected by the House of Representatives, three members who have served six or more years.

Vacancies shall be filled as they occur.

SECTION 2. Membership shall continue for life, except that absences not provided for by rule shall constitute retirement, and that Senators may retire voluntarily.

SECTION 3. The Senate shall elect as presiding officer a Convener who shall serve for two years, when his further service may be discontinued by a majority vote. Other officers, including a Deputy, shall be appointed by the Convener unless the Senate shall object.

SECTION 4. The Senate shall meet each year on the second Tuesday in July and shall be in continuous session, but may adjourn to the call of the Convener. A quorum shall be more than three-fifths of the whole membership.

SECTION 5. The Senate shall consider, and return within thirty days, all measures approved by the House of Representatives (except the annual budget). Approval or disapproval shall be by a majority vote of those present. Objection shall stand unless the House of Representatives shall overcome it by a majority vote plus one; if no return be made, approval by the House of Representatives shall be final.

For consideration of laws passed by the House of Representatives or for other purposes, the Convener may appoint appropriate committees.

SECTION 6. The Senate may ask advice from the Principal Justice concerning the constitutionality of measures before it; and if this be done, the time for return to the House of Representatives may extend to ninety days.

SECTION 7. If requested, the Senate may advise the President on matters of public interest; or, if not requested, by resolution approved by two-thirds of those present. There shall be a special duty to note expressions of concern during party conventions and commitments made during campaigns; and if these be neglected, to remind the President and the House of Representatives that these undertakings are to be considered.

SECTION 8. In time of present or prospective danger caused by cataclysm, by attack, or by insurrection, the Senate may declare a national emergency and may authorize the President to take appropriate action. If the Senate be dispersed, and no quorum available, the President may proclaim the emergency, and may terminate it unless the Senate shall have acted. If the President be not available, and the circumstances extreme, the senior serving member of the presidential succession may act until a quorum assembles.

SECTION 9. The Senate may also define and declare a limited emergency in time of prospective danger, or of local or regional disaster, or if an extraordinary advantage be anticipated. It shall be considered by the House of Representatives within three days and, unless disapproved, may extend for a designated period and for a limited area before renewal.

Extraordinary expenditures during emergency may be approved, without regard to usual budget procedures, by the House of Representatives with the concurrence of the President.

SECTION 10. The Senate, at the beginning of each session, shall select three of its members to constitute a National Security Committee to be consulted by the President in emergencies requiring the deployment of the armed forces abroad. If the Committee dissent from the President's proposal, it shall report to the Senate, whose decision shall be final.

SECTION 11. The Senate shall elect, or may remove, a National Watchkeeper, and

shall oversee, through a standing committee, a Watchkeeping Service conducted according to rules formulated for their approval.

With the assistance of an appropriate staff the Watchkeeper shall gather and organize information concerning the adequacy, competence, and integrity of governmental agencies and their personnel, as well as their continued usefulness; and shall also suggest the need for new or expanded services, making report concerning any agency of the deleterious effect of its activities on citizens or on the environment.

The Watchkeeper shall entertain petitions for the redress of grievances and shall advise the appropriate agencies if there be need for action.

For all these purposes, personnel may be appointed, investigations made, witnesses examined, postaudits made, and information required.

The Convener shall present the Watchkeeper's findings to the Senate, and if it be judged to be in the public interest, they shall be made public or, without being made public, be sent to the appropriate agency for its guidance and such action as may be needed. On recommendation of the Watchkeeper the Senate may initiate corrective measures to be voted on by the House of Representatives within thirty days. When approved by a majority and not vetoed by the President, they shall become law.

For the Watchkeeping Service one-quarter of one percent of individual net taxable incomes shall be held by the Chancellor of Financial Affairs; but amounts not expended in any fiscal year shall be available for general use.

## B. The House of Representatives

SECTION 1. The House of Representatives shall be the original lawmaking body of the Newstates of America.

SECTION 2. It shall convene each year on the second Tuesday in July and shall remain in continuous session except that it may adjourn to the call of a Speaker, elected by majority vote from among the Representatives-at-large, who shall be its presiding officer.

SECTION 3. It shall be a duty to implement the provisions of this constitution and, in legislating, to be guided by them.

SECTION 4. Party leaders and their deputies shall be chosen by caucus at the beginning of each session.

SECTION 5. Standing and temporary committees shall be selected as follows:

Committees dealing with the calendaring and management of bills shall have a majority of members nominated to party caucuses by the Speaker; other members shall be nominated by minority leaders. Membership shall correspond to the parties' proportions at the last election. If nominations be not approved by a majority of the caucus, the Speaker or the minority leaders shall nominate others until a majority

shall approve.

Members of other committees shall be chosen by party caucus in proportion to the results of the last election. Chairmen shall be elected annually from among at-large members.

Bills referred to committees shall be returned to the house with recommendations within sixty days unless extension be voted by the House.

In all committee actions names of those voting for and against shall be recorded.

No committee chairman may serve longer than six years.

SECTION 6. Approved legislation, not objected to by the Senate within the allotted time, shall be presented to the President for his approval or disapproval. If the President disapprove, and three-quarters of the House membership still approve, it shall become law. The names of those voting for and against shall be recorded. Bills not returned within eleven days shall become law.

SECTION 7. The President may have thirty days to consider measures approved by the House unless they shall have been submitted twelve days previous to adjournment.

SECTION 8. The House shall consider promptly the annual budget; if there be objection, it shall be notified to the Planning Board; the Board shall then resubmit through the President; and, with his comments, it shall be returned to the House. If there still be objection by a two-thirds majority, the House shall prevail. Objection must be by whole title; titles not objected to when voted on shall constitute appropriation.

The budget for the fiscal year shall be in effect on January 1. Titles not yet acted on shall be as in the former budget until action be completed.

SECTION 9. It shall be the duty of the House to make laws concerning taxes.

1. For their laying and collection:

a. They shall be uniform, and shall not be retroactive.

b. Except such as may be authorized by law to be laid by Authorities, or by the Newstates, all collections shall be made by a national revenue agency. This shall include collections for trust funds hereinafter authorized.

c. Except for corporate levies to be held in the National Sharing Fund, hereinafter authorized, taxes may be collected only from individuals and only from incomes; but there may be withholding from current incomes.

d. To assist in the maintenance of economic stability, the President may be authorized to alter rates by executive order.

e. They shall be imposed on profitmaking enterprises owned or conducted by religious establishments or other nonprofit organizations.

f. There shall be none on food, medicines, residential rentals, or commodities or services designated by law as necessities; and there shall be no double taxation.

g. None shall be levied for registering ownership or transfer of property.

2. For expenditures from revenues:

a. For the purposes detailed in the annual budget unless objection be made by the procedure prescribed herein.

b. For such other purposes as the House may indicate and require the Planning Branch to include in revisions of the budget; but, except in declared emergency, the total may not exceed the President's estimate of available funds.

3. For fixing the percentage of net corporate taxable incomes to be paid into a National Sharing Fund to be held in the custody of the Chancellor of Financial Affairs and made available for such welfare and environmental purposes as are authorized by law.

4. To provide for the regulation of commerce with other nations and among the Newstates, Possessions, Territories; or, as shall be mutually agreed, with other organized governments; but exports shall not be taxed; and imports shall not be taxed except on recommendation of the President at rates whose allowable variation shall have been fixed bylaw. There shall be no quotas, and no nations favored by special rates, unless by special acts requiring two-thirds majorities.

5. To establish, or provide for the establishment of, institutions for the safekeeping of savings, for the gathering and distribution of capital, for the issuance of credit, for regulating the coinage of money, for controlling them edia of exchange, and for stabilizing prices; but such institutions, when not public or semipublic, shall be regarded as affected with the public interest and shall be supervised by the Chancellor of Financial Affairs.

6. To establish institutions for insurance against risks and liabilities, or to provide suitable agencies for the regulation of such as are not public.

7. To ensure the maintenance, by ownership or regulation, of facilities for communication, transportation, and others commonly used and necessary for public convenience.

8. To assist in the maintenance of world order, and, for this purpose, when the President shall recommend, to vest jurisdiction in international legislative, judicial, or administrative agencies.

9. To develop with other peoples, and for the benefit of all, the resources of space, of other bodies in the universe, and of the seas beyond twelve miles from low-water



10. To assist other peoples who have not attained satisfactory levels of well-being; to delegate the administration of funds for assistance, whenever possible, to international agencies; and to invest in or contribute to the furthering of development in other parts of the world.

11. To assure, or to assist in assuring, adequate and equal facilities for education; for training in occupations citizens may be fitted to pursue; and to reeducate or retrain those whose occupations may become obsolete.

12. To establish or to assist institutions devoted to higher education, to research, or to technical training.

13. To establish and maintain, or assist in maintaining, libraries, archives, monuments, and other places of historic interest.

14. To assist in the advancement of sciences and technologies; and to encourage cultural activities.

15. To conserve natural resources by purchase, by withdrawal from use, or by regulation; to provide, or to assist in providing, facilities for recreation; to establish and maintain parks, forests, wilderness areas, wetlands, and prairies; to improve streams and other waters; to ensure the purity of air and water; to control the erosion of soils; and to provide for all else necessary for the protection and common use of the national heritage.

16. To acquire property and improvements for public use at costs to be fixed, if necessary, by the Court of Claims.

17. To prevent the stoppage or hindrance of governmental procedures, or of other activities affected with a public interest as defined by law, by reason of disputes between employers and employees, or for other reasons, and for this purpose to provide for conclusive arbitration if adequate provision for collective bargaining fail. From such finding there may be appeal to the Court of Arbitration Review; but such proceedings may not stay the acceptance of findings.

18. To support an adequate civil service for the performance of such duties as may be designated by administrators; and for this purpose to refrain from interference with the processes of appointment or placement, asking advice or testimony before committees only with the consent of appropriate superiors.

19. To provide for the maintenance of armed forces.

20. To enact such measures as will assist families in making adjustment to future conditions, using estimates concerning population and resources made by the Planning Board.

21. To vote within ninety days on such measures as the President may designate as urgent.

## ARTICLE VII

### The Regulatory Branch

SECTION 1. There shall be a Regulatory Branch, and there shall be a National Regulator chosen by majority vote of the Senate and removable by a two-thirds vote of that body. His term shall be seven years, and he shall preside over a National Regulatory Board. Together they shall make and administer rules for the conduct of all economic enterprises.

The Regulatory Branch shall have such agencies as the Board may find necessary and are not disapproved by law.

SECTION 2. The Regulatory Board shall consist of seventeen members recommended to the Senate by the Regulator. Unless rejected by majority vote they shall act with the Regulator as a lawmaking body for industry.

They shall initially have terms of one or seventeen years, one being replaced each year and serving for seventeen years. They shall be compensated and shall have no other occupation.

SECTION 3. Under procedures approved by the board, the Regulator shall charter all corporations or enterprises except those exempted because of size or other characteristics, or those supervised by the Chancellor of Financial Affairs, or by the Intendant, or those whose activities are confined to one Newstate.

Charters shall describe proposed activities, and departure from these shall require amendment on penalty of revocation. For this purpose there shall be investigation and enforcement services under the direction of the Regulator.

SECTION 4. Chartered enterprises in similar industries or occupations may organize joint Authorities. These may formulate among themselves codes to ensure fair competition, meet external costs, set standards for quality and service, expand trade, increase production, eliminate waste, and assist in standardization. Authorities may maintain for common use services for research and communication; but membership shall be open to all eligible enterprises. Nonmembers shall be required to maintain the same standards at those prescribed for members.

SECTION 5. Authorities shall have governing committees of five, two being appointed by the Regulator to represent the public. They shall serve as he may determine; they shall be compensated; and he shall take care that there be no conflicts of interest. The Board may approve or prescribe rules for the distribution of profits to stockholders, allowable amounts of working capital, and reserves. Costing and all other practices affecting the public interest shall be monitored.

All codes shall be subject to review by the Regulator with his Board.

SECTION 6. Member enterprises of an Authority shall be exempt from other regulation.

SECTION 7. The Regulator, with his Board, shall fix standards and procedures for mergers of enterprises or the acquisition of some by others; and these shall be in effect unless rejected by the Court of Administrative Settlements. The purpose shall be to encourage adaptation to change and to further approved intentions for the nation.

SECTION 8. The charters of enterprises may be revoked and Authorities may be dissolved by the Regulator, with the concurrence of the Board, if they restrict the production of goods and services, or controls of their prices; also if external costs are not assessed to their originators or if the ecological impacts of their operations are deleterious.

SECTION 9. Operations extending abroad shall conform to policies notified to the Regulator by the President; and he shall restrict or control such activities as appear to injure the national interest.

SECTION 10. The Regulator shall make rules for and shall supervise marketplaces for goods and services; but this shall not include security exchanges regulated by the Chancellor of Financial Affairs.

SECTION 11. Designation of enterprises affected with a public interest, rules for conduct of enterprises and of their Authorities, and other actions of the Regulator or of the Board may be appealed to the Court of Administrative Settlements, whose judgments shall be informed by the intention to establish fairness to consumer and competitors and stability in economic affairs.

SECTION 12. Responsible also to the Regulator, there shall be an Operations Commission appointed by the Regulator, unless the Senate object, for the supervision of enterprises owned in whole or in part by government. The commission shall choose its chairman, and he shall be the executive head of a supervisory staff. He may require reports, conduct investigations, and make rules and recommendations concerning surpluses or deficits, the absorption of external costs, standards of service, and rates or prices charged for services or goods.

Each enterprise shall have a director, chosen and removable by the Commission; and he shall conduct its affairs in accordance with standards fixed by the Commission.

## **ARTICLE VIII**

### **The Judicial Branch**

SECTION 1. There shall be a Principal Justice of the Newstates of America; a Judicial Council; and a Judicial Assembly. There shall also be a Supreme Court and a High Court of Appeals; also Courts of Claims, Rights and Duties, Administrative Review, Arbitration Settlements, Tax Appeals, and Appeals from Watchkeeper's

Findings. There shall be Circuit Courts to be of first resort in suits brought under national law; and they shall hear appeals from courts of the Newstates.

Other courts may be established by law on recommendation of the Principal Justice with the Judicial Council.

SECTION 2. The Principal Justice shall preside over the judicial system, shall appoint the members of all national courts, and, unless the Judicial Council object, shall make its rules; also, through an Administrator, supervise its operations.

SECTION 3. The Judicial Assembly shall consist of Circuit Court Judges, together with those of the High Courts of the Newstates of America and those of the highest courts of the Newstates. It shall meet annually, or at the call of the Principal Justice, to consider the state of the Judiciary and such other matters as may be laid before it.

It shall also meet at the call of the Convener to nominate three candidates for the Principal Justiceship whenever a vacancy shall occur. From these nominees the Senate shall choose the one having the most votes.

SECTION 4. The Principal Justice, unless the Senate object to any, shall appoint a Judicial Council of five members to serve during his incumbency. He shall designate a senior member who shall preside in his absence.

It shall be the duty of the Council, under the direction of the Principal Justice, to study the courts in operation, to prepare codes of ethics to be observed by members, and to suggest changes in procedure. The Council may ask the advice of the Judicial Assembly.

It shall also be a duty of the Council, as hereinafter provided, to suggest constitutional amendments when they appear to be necessary; and it shall also draft revisions if they shall be required. Further, it shall examine, and from time to time cause to be revised, civil and criminal codes; these, when approved by the Judicial Assembly, shall be in effect throughout the nation.

SECTION 5. The Principal Justice shall have a term of eleven years; but if at any time the incumbent resign to be disabled from continuing in office, as may be determined by the Senate, replacement shall be by the senior member of the Judicial Council until a new selection be made. After six years the Assembly may provide, by a two-thirds vote, for discontinuance in office, and a successor shall then be chosen.

SECTION 6. The Principal Justice may suspend members of any court for incapacity or violation of rules; and the separation shall be final if a majority of the Council agree.

For each court the Principal Justice shall, from time to time, appoint a member who shall preside.

SECTION 7. A presiding judge may decide, with the concurrence of the senior judge, that there may be pretrial proceedings, that criminal trials shall be conducted

by either investigatory or adversary proceedings, and whether there shall be a jury and what the number of jurors shall be; but investigatory proceedings shall require a bench of three.

SECTION 8. In deciding on the concordance of statutes with the Constitution, the Supreme Court shall return to the House of Representatives such as it cannot construe. If the House fail to make return within ninety days the Court may interpret.

SECTION 9. The Principal Justice, or the President, may grant pardons or reprieves.

SECTION 10. The High Courts shall have thirteen members; but nine members, chosen by their senior justices from time to time, shall constitute a court. The justices on leave shall be subject to recall.

Other courts shall have nine members; but seven, chosen by their seniors, shall constitute a court.

All shall be in continuous session except for recesses approved by the Principal Justice.

SECTION 11. The Principal Justice, with the Council, may advise the Senate, when requested, concerning the appropriateness of measures approved by the House of Representatives; and may also advise the President, when requested, on matters he may refer for consultation.

SECTION 12. It shall be for other branches to accept and to enforce judicial decrees.

SECTION 13. The High Court of Appeals may select applications for further consideration by the Supreme Court, of decisions reached by other courts, including those of the Newstates. If it agree that there be a constitutional issue it may make preliminary judgment to be reviewed without hearing, and finally, by the Supreme Court.

SECTION 14. The Supreme Court may decide:

a. Whether, in litigation coming to it on appeal, constitutional provisions have been violated or standards have not been met.

b. On the application of constitutional provisions to suits involving the Newstates.

c. Whether international law, as recognized in treaties, United Nations agreements, or arrangements with other nations, has been ignored or violated.

d. Other causes involving the interpretation of constitutional provisions; except that in holding any branch to have exceeded its powers the decision shall be suspended until the Judicial Council shall have determined whether, in order to avoid confrontation, procedures for amendment of the Constitution are appropriate.

If amendatory proceedings are instituted, decision shall await the outcome.

SECTION 15. The Courts of the Newstates shall have initial jurisdiction in cases arising under their laws except those involving the Newstate itself or those reserved for national courts by a rule of the Principal Justice with the Judicial Council.

## ARTICLE IX

### General Provisions

SECTION 1. Qualifications for participation in democratic procedures as a citizen, and eligibility for office, shall be subject to repeated study and redefinition; but any change in qualification or eligibility shall become effective only if not disapproved by the Congress.

For this purpose a permanent Citizenship and Qualifications Commission shall be constituted, four members to be appointed by the President, three by the Convener of the Senate, three by the Speaker of the House, and three by the Principal Justice. Vacancies shall be filled as they occur. The members shall choose a chairman; they shall have suitable assistants and accommodations; and they may have other occupations. Recommendations of the commission shall be presented to the President and shall be transmitted to the House of Representatives with comments. They shall have a preferred place on the calendar and, if approved, shall be in effect.

SECTION 2. Areas necessary for the uses of government may be acquired at its valuation and may be maintained as the public interest may require. Such areas shall have self-government in matters of local concern.

SECTION 3. The President may negotiate for the acquisition of areas outside the Newstates of America, and, if the Senate approve, may provide for their organization as Possessions or Territories.

SECTION 4. The President may make agreements with other organized peoples for a relation other than full membership in the Newstates of America. They may become citizens and may participate in the selection of officials. They may receive assistance for their development or from the National Sharing Fund if they conform to its requirements; and they may serve in civilian or military services, but only as volunteers. They shall be represented in the House of Representatives by members elected at large, their number proportional to their constituencies; but each shall have at least one; and each shall in the same way choose one permanent member of the Senate.

SECTION 5. The President, the Vice-Presidents, and members of the legislative houses shall in all cases except treason, felony, and breach of the peace be exempt from penalty for anything they may say while pursuing public duties; but the Judicial Council may make restraining rules.

SECTION 6. Except as otherwise provided by this Constitution, each legislative house shall establish its requirements for membership and may make rules for the

conduct of members, including conflicts of interest, providing its own disciplines for their infraction.

SECTION 7. No Newstate shall interfere with officials of the Newstates of America in the performance of their duties, and all shall give full faith and credit to the Acts of other Newstates and of the Newstates of America.

SECTION 8. Public funds shall be expended only as authorized in this Constitution.

## ARTICLE X

### Governmental Arrangements

SECTION 1. Officers of the Newstates of America shall be those named in this Constitution, including those of the legislative houses and others authorized by law to be appointed; they shall be compensated, and none may have other paid occupation unless they be excepted by law; none shall occupy more than one position in government; and no gift or favor shall be accepted if in any way related to official duty.

No income from former employments or associations shall continue for their benefits; but their properties may be put in trust and managed without their intervention during continuance in office. Hardships under this rule may be considered by the Court of Rights and Duties, and exceptions may be made with due regard to the general intention.

SECTION 2. The President, the Vice-Presidents, and the Principal Justice shall have households appropriate to their duties. The President, the Vice-President, the Principal Justice, the Chairman of the Planning Board, the Regulator, the Watchkeeper, and the Overseer shall have salaries fixed by law and continued for life; but if they become members of the Senate, they shall have senatorial compensation and shall conform to senatorial requirements.

Justices of the High Courts shall have no term; and their salaries shall be two-thirds that of the Principal Justice; they, and members of the Judicial Council, unless they shall have become Senators, shall be permanent members of the Judiciary and shall be available for assignment by the Principal Justice.

Salaries for members of the Senate shall be the same as for Justices of the High Court of Appeals.

SECTION 3. Unless otherwise provided herein, officials designated by the head of a branch as sharers in policymaking may be appointed by him with the President's concurrence and unless the Senate shall object.

SECTION 4. There shall be administrators:

a. for executive offices and official households, appointed by authority of the President;

b. for the national courts, appointed by the Principal Justice;

c. for the Legislative Branch, selected by a committee of members from each house (chosen by the Convener and the Speaker), three from the House of Representatives and four from the Senate.

Appropriations shall be made to them; but those for the Presidency shall not be reduced during his term unless with his consent; and those for the Judicial Branch shall not be reduced during five years succeeding their determination, unless with the consent of the Principal Justice.

SECTION 5. The fiscal year shall be the same as the calendar year, with new appropriations available at its beginning.

SECTION 6. There shall be an Officials' Protective Service to guard the President, the Vice-Presidents, the Principal Justice, and other officials whose safety may be at hazard; and there shall be a Protector appointed by and responsible to a standing committee of the Senate. Protected officials shall be guided by procedures approved by the committee.

The service, at the request of the Political Overseer, may extend its protection to candidates for office; or to other officials, if the committee so decide.

SECTION 7. A suitable contingency fund shall be made available to the President for purposes defined by law.

SECTION 8. The Senate shall try officers of government other than legislators when such officers are impeached by a two-third vote of the House of Representatives for conduct prejudicial to the public interest. If Presidents or Vice-Presidents are to be tried, the Senate, as constituted, shall conduct the trial. Judgments shall not extend beyond removal from office and disqualification for holding further office; but the convicted official shall be liable to further prosecution.

SECTION 9. Members of legislative houses may be impeached by the Judicial Council; but for trials it shall be enlarged to seventeen by Justices of the High Courts appointed by the Principal Justice. If convicted, members shall be expelled and be ineligible for future public office; and they shall also be liable for trial as citizens.

## **ARTICLE XI**

### **Amendment**

SECTION 1. It being the special duty of the Judicial Council to formulate and suggest amendments to this Constitution, it shall, from time to time, make proposals, through the Principal Justice, to the Senate. The Senate, if it approve, and if the President agree, shall instruct the Overseer to arrange at the next national election for submission of the amendment to the electorate. If not disapproved by a majority, it shall become part of this Constitution. If rejected, it may be restudied and a new proposal submitted.