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A Somewhat Anarchistic Constitution

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We the students of Professor Foldvary’s class, in order to get a more perfect grade, establish this constitution to protect life, liberty, and property.

The following constitution of Libertopia was formed to separate ourselves from the United States of America. Because the United States government has shown themselves to not represent our needs and to be abusive, we establish the following constitution to be bound by the citizens of Libertopia. The area of Libertopia includes 13 states that decided to secede from the United States. The states that make up Libertopia are 1) Texas, 2) Utah, 3) New Hampshire, 4) Tennessee, 5) Oklahoma, 6) North Dakota, 7) South Dakota, 8) Colorado, 9) Idaho, 10) Alaska, 11) Missouri, 12) Virginia, and 13) Georgia:

Section 1: All legislative powers are those that are mentioned in the Constitution. There will be no new laws enacted. The only laws which the people of Libertopia are bound by are those which are in the Constitution. Any rules and laws that are not in the Constitution are delegated to the people themselves, where any new law which is enacted must require the consent of 100% of the population. The reason for this is because the Constitution adheres to natural laws. People’s rights are not subject to a vote and therefore any new law which is enforced must get the consent of 100% of the population of Libertopia. The only laws which don’t require 100% consent are
those which are consistent with natural law (e.g. a rapist, murder or thief doesn’t have to consent to not being allowed to rape, murder, or steal).

**Section 2:** All of the rules prescribed in the constitution will be enforced by private firms. In order to have a real separation of powers, instead of splitting the government into different branches, those which enforce the law and those which enact the law are totally separate. Since a government which levies taxes is a monopoly, in order to ensure a true separation of powers, no branch of government will enforce the constitution. The following laws are laws that the people of Libertopia agree to be bound by so they know what the laws are, but who enforces them will be left up to the individuals to decide.

**Section 3A:** The state does not have the power to levy and collect taxes. Since taxation itself is coercive and the constitution is meant to be a voluntary contract there will be no taxes. Those that wish to have certain services be socialized will be funded by a lottery twice a year. The lottery itself is voluntary. The winner of the lottery will collect 10% of the winnings and the remaining 90% will go to fund the various government departments.

**Section 3B:** There will be two areas which will be socialized and are hence governmental. The funds to pay for these two branches will be funded by a voluntary lottery or user fees. The two departments which will be governmental are: 1) the department where a person applies to obtain citizenship of Libertopia.
Each of the 13 states will have at least one department to secure citizenship. The department will be paid for by the lottery winnings and by user fees since there will be a price to pay in order to obtain citizenship. The fee will be small and affordable (under a $1,000) to obtain citizenship and if one can't afford to pay for the fee, such a fee will be waived if a person agrees to serve on a jury within the next three months or agrees to work in community service (such as working in the department that determines citizenship itself) in order to make up for not being able to afford the fee and 2) A court which has one job and one job only and that’s to fine other courts for not giving the accused a trial within a week. If it is determined that the court is expanding its power, the people of Libertopia have a right to vote the people in the court system out of office at any time, subject to a majority vote. The majority of each state votes on if they want to replace those who serve on this limited court out. If it can be proven by a private court that this court is exceeding its power and is legislating from the bench, private courts have a right to take action against the court and fine the government court for acting outside its own boundaries. A private court, which is fined by the government court for violating the right to a speedy trial, may not take again against the government court since such a court is biased, but other private courts not subject to the suit may bring a suit against the government courts if they have evidence to prove that the government court is legislating from the bench instead of just collecting one type of fine and one type of fine only and that’s a penalty for late trials.
**Section 3C:** As discussed in Section 3A, the funds that the states receive will be voluntary and used to only pay for limited services. If people in the states feel that they want more services to be socialized and are willing to fund them with either a lottery or user fees, the states may do so. Anyone who doesn't want to be part of Libertopia or wants to be part of Libertopia but doesn’t want to pay for certain functions which may become socialized has a right to secede from the services which may be socialized. In order to determine which services are socialized requires a supermajority of 80% of each state. The socialized functions can either be provided by the all 13 states, by the individual states or a few states may want to join in a union and socialize some of these functions together. There will be a meeting once a year on July 4th to vote if more services are going to be voluntarily socialized. It's important to note that these services, while socialized are not truly governmental in the sense that the government may not prevent, at any time, competition. For example, if people want transportation to be “publically” provided this doesn't mean that private transportation companies are forbidden from competing with them or that the funds will be paid for by taxation, all it means is that if some states decided to socialize the costs—either by having user fees or by having a lottery—they may do so, but they may not prevent competition. Certain services may not be socialized at any time, even with a supermajority vote.

**Section 3D:** The following are services which may never be socialized and will remain totally private and open not only to competition, but to the profit and loss system without having to rely on guaranteed funds from a lottery:
A) Schools may never be socialized. No governing body of Libertopia will decide on school standards, require licenses, or provide any funding to schools. Education is too important to be politicized and subject to favoritism or rent-seeking. Education thrives when there is competition (just like everything else). While the authors of this constitution would like there to be competition in all areas and to have no company operate without being subject to being totally funded by the consumer, we also understand that there are some people who don’t feel the same way. We also understand that no one has a right to make others victims of their own actions and delegate the rights of others to be subject to their wishes. Since school involves teaching children who are unable to consent, to have a vote on how they will be educated when they can’t vote on it is unfair. Likewise, school is too important to have universal standards (whether the standards are universal across states or in a single state).

B) There will be no central bank. Money is too important to be left into the hands of any central authority and therefore money will be provided on the free market. Let money be open to competition. No majority has a right to vote on how to control the money. Central banking is a crime. Any state which attempts to maintain statist institutional versions of banking will be fined. They will be fined and brought to a private court.

C) Besides for having one court collect fines to ensure a speedy trial, the court will be limited to that function. There will be no governmental legislative, judicial, or executive branch and there will be no government courts. As we
saw with the United States government, government separation of powers are a joke. State departments are willing to allow governmental overreach and allow for presidential executive orders. There can never be a separation of powers if the government itself is able to judge the laws. A kangaroo court is where the judge is both lawmaker and executioner and as such, governmental courts are forbidden. There will be no Supreme Court. The courts will be subject to the market. Judge’s rulings may always be challenged and the accused always has a right to go to another court and challenge the court’s verdict. Since the judge’s pay is determined by if the court stays in business, and the only way to ensure that the judge isn’t protected by legislating from the bench is to allow courts to go out of business and the only way to do that is to have a free market court system, instead of a governmental court system where going out of business is harder (though not impossible if secession is legal and there is no taxation).

**Section 4:** A person has a right to his property and to his life. All acts between consenting adults are permissible. All acts between children and adults are permissible if the child is the one who initiates the act. Since children (16 and younger) may not be aware of what they are consenting to, certain acts which are allowable for adults (intercourse, imbibing alcohol) a child may be too young to engage in. To protect from exploitation, an adult may not engage in certain behavior with a child unless the child consents. Due to the power difference, children’s
“consent” can be manufactured and manipulated. If someone initiates an act, such a person must be aware of what they are consenting to, therefore if a child is under the age of 16 but initiates an action with an adult it will be permissible and the adult will not be punished. There will be no victimless crimes. ALL acts between consenting adults are permissible.

Section 5: If a person violates a person or his property, the victim may take the person who violated his person or property to court. If the victim is unable to bring the aggressor to court, the victim’s heirs may bring charges against the aggressor. If the victim has no family and friends and the victim is unable to delegate a proxy in his stead, anyone may bring a suit against the aggressor.

Section 6: There will be criminal trials and civil trials. Both trials will follow the same format in terms of establishing guilt and the jury process. The difference between a civil and criminal penalty is the degree of the crime. Any violations to a person’s body, the violator will be charged in a criminal court. Any damage to a person’s property, the victim is entitled to monetary reparations. Since the victim is the one bringing the charge, it is up to the victim to decide if he wants to turn a criminal case into a civil case and collect torts instead of enacting a criminal penalty.

Section 7: A jury will be composed on 12 men. The members of the jury will be selected by random lots. There will be no voir dire process. The judge, defense, and prosecutors may not question the jury to see if they have any biases. The jury will be
selected at random. The reason there will be no voir dire is because this is viewed by Libertopia as jury tampering, done in order to get certain people on the jury and to weed certain people out. Such a process is viewed by the people of Libertopia as having a biased jury. The compensation for jury members will be determined by private courts. A person on a trial which is over swiftly will not be required to be a jury member more than once a year. People who are selected for jury duty on trials which last over 2 months will not be required to attend jury duty for another 5 years.

**Section 8:** The accused has a right to a speedy trial and will be tried in court as soon as he is brought to court. In order to ensure that a person isn’t waiting indefinitely for a trial, the longest a person can be waiting for a trial is one week. After the accused is charged with a crime and arrested he will be tried ideally right away and maximum no longer than a week. Any court which waits longer than a week to trial the accused will be fined $1,000 per day after the week period; for example, if the court doesn’t go to trial for 10 days that means the court is fined a total of $3,000 for making the accused wait 3 days longer to go to trial than his constitutional right says. If a person is found guilty in a criminal trial, the time the person is waiting to be tried and how long the trial lasts will be part of the person’s sentence. For example, if a person is sentenced to spend one year in jail and awaiting trial and the trial last 6 months that will count as part of his sentencing and he will only spend 6 more months in prison.
**Section 9:** All people have a right to a trial and to be judged by a jury of their peers. If a person would rather be judged without a jury, he can waive such a right. Anyone who is accused of both a criminal or civil trial will have a trial. Even if one says they are guilty or accepts a plea deal there will still be a trial to determine innocence or guilt. The logic for everyone being tried is to prevent abuse by the authorities trying to bully the accused into admitting guilt. We understand that people often claim to be guilty of a crime they didn’t commit in order to avoid a harsher sentence. We are also aware that people can be bullied into saying they are guilty when they are not. In order to prevent such abuse, even if a person says he is guilty he will have a right to a trial in order to ensure he is guilty and not just saying he is to secure a lighter sentence. If one says they are guilty and admits his crime or turns himself to the authorities such noble actions will be taken into account when passing sentencing.

**Section 10:** The people of Libertopia admit humility and therefore don’t have any rule stipulating how payment of a trial is settled. Does the guilty party pay everything, including the lawyer, judge, jury, and prison fee? Does each party split the costs evenly? We admit to not knowing such answers and leave these decisions to the various courts. Each court may decide for themselves how the bills to pay for a trial are to be settled.

**Section 11:** Thomas Jefferson once said, “God forbid we should ever be 20 years without such a rebellion. The people cannot be all, & always, well informed. The part which is wrong will be discontented in proportion to the importance of the facts they
misconceive. If they remain quiet under such misconceptions it is a lethargy, the forerunner of death to the public liberty. We have had 13 states, independent 11 years. There has been one rebellion. That comes to one rebellion in a century & a half for each state. What country before ever existed a century & half without a rebellion? & what country can preserve its liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take arms.” We agree with such a sentiment. Therefore every 20 years, the people of Libertopia will meet once every 20 years to discuss if the constitution should be altered or if there should be a new one. All the people of Libertopia, ages 16 and up will meet and convene and there will be a vote where a super-majority of 80% is needed to determine if there should be a new constitution and new laws. If a person doesn’t want to attend the 20 year meeting—which will meet on the first Monday after 20 years have passed—doesn’t want to attend the meeting he may delegate a proxy, which has to demonstrate proof of being a proxy by having a signed signature, phone number and address of the person he is being a proxy for so we can verify that he is in fact acting as a proxy.

Section 12: The people of Libertopia are advocates of free banking. Legal tender laws are completely forbidden. No branch of the government is in charge of coining money or having an “independent” central bank do so for them. Money is too important to be left into political hands. This specific section of the constitution is not subject to being amended. No votes, no supermajority can decide to control the flow and supply of money. There will be free banking, where the type of currency
used, the amount of reserves being held in banks will be determined by the free market and not by us.

Section 13: We the people of Libertopia advocate open-border immigration. No passports are required to enter the land. People own their own property and no one may immigrate into a person’s home without his consent, but any area of Libertopia which is not privately owned (either through homesteading or inheritance) will be free to homestead and immigrate there.

Section 14: The rules for citizenship of Libertopia is that if a person wants to become a citizen of Libertopia and is not born in Libertopia, if ages 16 and older may apply for citizenship. There will be a “Department of Naturalization” where a person can apply for being a citizen. Each of the 13 states of Libertopia will have at least one “Department of Naturalization” in their state. The department will have certain standards for deciding how to remove or obtain citizenship. The rules are as follows:

A) If a person wants to revoke their citizenship at any time, they are free to do so.

B) In order to obtain citizenship, a criminal background check will be required. If the person obtaining citizenship is a repeat offender of crimes and the crimes he committed were crimes that had victims (i.e. violated natural law—were acts which are coercive and violate a person or his property) he will be denied citizenship. We understand that people err
and if on determining his background check, if he is not a repeat offender for violent crimes, his acceptance for citizenship will be decided based on a majority vote by the citizens of the whichever state of Libertopia he decides to emigrate to.

C) There will be a small fee to obtain citizenship of Libertopia.

Section 15: Since this new country is called, Libertopia, we don’t advocate slave contracts and believe in secession down to the individual. A person has a right to secede. States have a right to secede from the country, counties have a right to secede from the states and streets have a right to secede from the counties. We believe in secession down to the individual. In order to secede from Libertopia, all a person has to do is announce his secession two weeks in advance to the “Department of Naturalization” located in the state where he resides. If a person secedes from Libertopia, he will not be protected by the country of Libertopia but he is free to find some other agency to defend him and protect him without having to leave his home. If a person commits physical invasion against another, engages in theft or fraud he will be subject to punishment and the laws of Libertopia will apply to him, even if he secedes. Secession means that a person isn’t required to be on a jury duty or pay any fee that a new constitution may compel the citizens of Libertopia to pay. Just because a person secedes from a country doesn’t mean he can commit acts of violence without repercussions. If a person commits acts of physical aggression, the victim, the victim’s heirs, or anyone who bought a transferrable tort claim may seek damages against the aggressor who decided to secede. If the
aggressor does not comply, he will be invaded. We have no problem invading a violent person’s home. A person does not get to commit acts of aggression with impunity and think that secession is a loophole for avoiding punishment.

**Section 16:** Pollution is considered an act of physical invasion and therefore a person has to a right to seek compensation and charge any polluter for physically invading and damaging a person or his property by polluting it. Acts of pollution are subject to a liability rule where the polluter pays the victim of his pollution based on the damage he caused. A third party arbitrator will judge what the damage to the pollution will be. The third party arbitrator is one in which both the defendant and the prosecutor will agree to. If the defendant (i.e. the polluter) fails to be subject to any of the third party arbitrators that are available—the prosecutor (i.e the victim of pollution) will be able to choose a third part of his choice to access damages, even against the will of the polluter. Such a ruling will be done in order to ensure compliance and to penalize the accused for not being willing to cooperate and abide by a third party of his choice when given the chance.

**Section 17:** As you can no doubt tell, the constitution of Libertopia reflects a respect for individual rights. This is why the only actions which are forbidden are physical invasions. There are no victimless crimes, there are no taxes, immigration isn’t restricted and there are also no crimes against society. If a person punches someone in the face he didn’t hurt “society’s nose” he hurt the nose of the person he punched in the face. Therefore there is no prosecuting attorney by the state. The prosecutor
is the victim, the victim’s heirs or the victim’s representative agents. The states may not claim to be the victim’s representative agents, the victim himself must select his proxy for him. If the victim has no family and friends, a person is free to homestead his claim and seek justice on the victim’s behalf, but the states may not. Also, if the victim forgives the aggressor and doesn’t wish to press charges such wishes must be respected and no charges will be levied against the accused.

Section 18: Many people claim to want laws limited to preventing violence against another and yet what is considered “violence’ and aggression is continually expanded. There are so many law against preventative crimes that many people are needlessly incarcerated for fear that such a person may one day commit a crime. It is for this reason that the constitution of Libertopia only advocates “ex post” rules instead of an “ex ante” system. Instead of having numerous laws to “prevent” harm (like laws which make it a crime to speed because the drive may get into an accident), the only laws that are forbidden are ex post rules. The constitution doesn’t recognize ex post rules and therefore doesn’t enforce them. We understand that some of the 13 states want their own constitution and their own laws instead of having this constitution bound by the 13 states of Libertopia. We respect the right of states to draft their own constitution as long as the laws they enact don’t violate the rules that are in this constitution, which means for instance, since the constitution of Libertopia says a person may not be charged with a victimless crime, no state has a right to enact victimless crime laws as well. But each of the 13 states do have a right to enact rules that aren’t recognized by the Federal constitution of Libertopia as
long as the rules don’t go against this Federal constitution of Libertopia. Since the Federal constitution doesn’t prohibit ex-post laws, if each state wants to draft their own constitution and have an ex-ante system of law or both an ex-post and ex-ante system of law, the states are free to do so. If a person decides to secede from a state or moves to another state and the state he moves to doesn’t recognize the other states ex-ante laws, he is not bound by them. Such a ruling allows different states to experiment, while also providing a loophole for people who find ex-ante laws a violation of their freedom by being able to move out of the state where they reside. Also, since there are private roads, issues such as drunk driving and speeding limits will be decided not based on state or the federal government but by the owners of the road. Instead of having either the states or the federal government prohibit “speeding” or drunk driving, such laws will be determined by the owners of the road and recognized by the private courts as part of contract law (if there is a private court that doesn’t recognize the right of an owner to make the rules of the road he owns such a person is free to find a court that will recognize his property right; one such court is bound to exist).

**Section 19:** The constitution of Libertopia hasn't recognized the right of states to draft their own constitutions. States have a right to draft their own constitutions. Much like the United State’s 10th Amendment, we recognize the authority of the states to draft their own laws and challenge the authority of this constitution. The only role that the Federal government has in telling states how to draft their own constitution is in not having a state draft a law which forbids secession. No state
may prohibit individual secession. Likewise, no state may require people who leave their state to be bound by the laws of their state (just like the people who leave Libertopia aren’t bound by the laws of Libertopia), though the common law and typical international law does recognize the right of certain human rights which people may still be punished for committing even if they leave the state or country they were living in and we aren’t going to override such common law traditions anytime soon.

Section 20 (Final Section): It should be noted that the following constitution sets up the rules of Libertopia as well as mentioning some functions, which no government agency can control. Those who don’t want to be bound by the laws of Libertopia are free to secede. They don’t have to leave their home and once they secede, as long as they keep their mitts to themselves, they are not subject to any of the laws of the constitution, and the only positive obligation the following constitution requires is jury duty.