

ANSWERS TO EVERYTHING

Executive Summary of work completed to date

Updated 4/19/2017

The following presents an overview of the work that the "Answers to Everything" SIG has accomplished since the group began its weekly Monday meetings in January of 1997. It is intended for individuals who are interested in becoming new participants in our meetings, to help bring you 'up to speed' quickly, so that you can jump right in and participate actively in our current discussions, without having to sit through a lengthy in-person orientation, or read all of the individual reports that have appeared in the L.A. Mensa newsletter.

This document presents only the actual decisions themselves, without any explanation or other background. Anyone wanting to know more about these findings is invited to consult the General Summary, a copy of which is also posted on the L.A. Mensa website.

IMPORTANT DISCLAIMER: The statements appearing in this document represent only the views of the local Answers to Everything SIG and some/all of its constituent members, but they do not constitute opinions held by Mensa (or any of its subsidiary chapters), which holds no institutional opinions on any subject.

An important 'ground rule' that should be remembered when reviewing this document is that all the answers contained herein are subject to subsequent reconsideration and modification by the group. In instances where the group has changed its position on a particular question, only the position currently held by the group is shown in this document, while the more noteworthy preliminary decisions are discussed in the General Summary.

The Agenda begins with a few introductory Questions addressing the Project itself. The core of the Agenda is divided into three Parts: Part I is for the political Questions, Part II is for the economic Questions, and Part III is for the social Questions. Each Part contains 6-8 Sections dealing with specific areas.

INTRODUCTION

Question 1 of the outline asked whether we need to undertake this Project at all. To address this, we found (a) that we are not sufficiently satisfied with the current system to let it alone, (b) that we are sufficiently empowered to make changes, and (c) that we therefore do want to put in the effort to take on this project.

The next step (Question 2) was to figure out the best approach for building the Agenda. Having considered multiple suggestions, we have finally decided to use the 'top down' or 'whole-agenda' approach, in which we evaluate an outline of questions in three parts (as discussed above), where each part starts with some basic principles and general global questions, and gradually introduces specific structures and processes that we want to be implemented locally. We then agreed that it is best to group similar topics together, and that it appears to make the most logical sense to address the groups in the order of political, economic, and social.

PART I - THE POLITICAL ANSWERS

This Part of the Outline has six Sections: Basic Principles, Government Organization, The Election Process, Executive Structure, Legislative Operations, and Judicial Reform.

SECTION I-A: BASIC PRINCIPLES

In order to be able later to achieve consensus on any complex or controversial topic, we needed to start with some very basic philosophical questions, beginning with Question 3, "Are we even here?". On this, we acknowledged that it may be technically impossible to prove the assertion, but we have yet accepted as an operating assumption that we do indeed exist. We also adopted the operating assumption that we have freedom of will. It is necessary for people to interact, given the extent of our current population.

Rights

Our current working definition of a 'right' is "the freedom to take a certain action, or to receive or enjoy a certain benefit".

Any right carries with it the right to waive that right. Certain rights may carry certain responsibilities, including the general responsibility to respect the rights of others, and conversely accepting certain responsibilities may convey certain rights.

There appear to be two basic kinds of rights, being those 'natural' or 'fundamental' rights which apply to all persons regardless of where or how they choose to live, and those 'civil' rights which are negotiated or legislated among members of a particular society. Any right can be legitimately abridged by civil authority, but 'natural' rights generally should require the fulfillment of some additional standards as a condition of abridgement.

Sentient and willful animals also have the same natural rights as humans. Pet owners should release their pets upon apparent request, except when continued protective custody is actually in the pets' best interests.

The existence of natural rights does not imply a responsibility on the part of all observers to intervene during an alleged violation.

We have thus far identified the following rights as 'natural', meaning that they should not be abridged, appropriated, or otherwise usurped against the subject's will and without any provocative action on the subject's part: sense of self, physical non-abuse, non-injurious self-determination [expressed in our Resolution #1, that "every individual ought to be able to do anything that he/she wants, provided that such action causes no injury (or immediate threat of injury) to others", where we have defined 'injury' as "compromising a person's ability to do what they would otherwise be physically and legally able to do"], property voluntarily created, parenthood, and biological killing of lower-order animals.

All natural rights contain some natural restrictions.

Species and populations can also have some/all of the same natural rights as individuals, but only if they likewise would universally feel the same sense of victimization at a threat from either Nature or (more likely) some other (either terrestrial or extra-terrestrial) species, and at present only modern humans are the only candidate species that we're seeing as possibly meeting this condition, although

other candidate species could possibly evolve or be discovered later, at which time we probably will need some kind of impartial body to adjudicate such inter-species disputes.

Government

Given the necessity of people to interact, there will inevitably be some clash between individual interests and the interests of the overall society, and people's fundamental biological impulses to survive and to maximize the quality of their lives will often tend to give precedence to their self-interests. We should have some public organization in place to help balance these public and personal interests, and this organization needs to be monitored by the people, who should have ultimate power to authorize or de-authorize that agency.

Even a society that does not have any such problems would still need a public organization of some kind, whereby decisions to improve everybody's quality of life could get made and implemented. We find it appropriate for us to use the word 'government' to refer to this public organization. The exact role and scope of any such government is to be determined by the people whom that government serves.

If some government passes a law that I think is unfair, excessive, or otherwise inappropriate, then I should be allowed to disobey it, provided that I can demonstrate to a court of competent jurisdiction that I should be exempted from that law (either temporarily or permanently), for whatever reason. If I fail to make my case, then I am subject to the same reprisals as any other violator. If I am exempted in court, however, the applicable legislature will have an opportunity to override the judge's ruling, in which case standard procedure still applies.

There should not be one single government controlling the entire world. Governments should continue to have control over specific geographic regions. A 'country' is defined as a land area (which does not need to have any particular minimum size) with a specific border that has a national government in place to manage its affairs, and that has been recognized by the prevailing 'international oversight organization'. We have accepted the international borders that we currently have, any future changes to be recognized by the 'international oversight organization'.

International oversight organizations

We agree that there should be an 'international oversight organization' (or "I.O.O."), to serve as a central body for addressing issues affecting the entire world, or large areas of it.

We are allowing the I.O.O. to have some limited legislative authority, to protect the rights of one country from being abused by another country (pursuant to Resolution #1A, which is a corollary to Resolution #1 as applied to countries), but with sufficient checks and balances in place to prevent the I.O.O. from effectively becoming a one-world government.

The I.O.O. will have jurisdiction over the entire world, not just those countries who choose to be members. The I.O.O. shall not have the power to exclude countries from membership, though they may refrain from recognizing new states that result from the breakup of larger countries. There should be a neutral territory for I.O.O. headquarters.

The I.O.O. should comprise three houses, one having a single delegate from each country, one with proportional representation based on population, and one with proportional representation based on geographic area; a country too small to have a delegate of its own in either or both of the latter two houses may combine with neighboring countries to have a regional delegate. All houses will elect their own leaders, and there will be a steering committee to determine which house(s) should review each issue, and an executive committee to decide issues affecting the I.O.O. itself.

Enforcing arm should be staffed by member countries in proportion to their respective military strengths, and may enact reprisals against any country or other organization crossing a border with military force, or imminently threatening to do so. Involvement of I.O.O. in alleged violations of human rights shall be limited to making sure that people who wish to leave the country are permitted to do so. Funding of I.O.O. operations shall be in proportion to total number of delegates from each country, and I.O.O. debates are to be removed from public view.

The I.O.O. may use any of several means to communicate to all people in the world that they exist, and that they are available to transport people out in instances of alleged human rights violations. The I.O.O. should probably rotate any military personnel stationed at local embassies. Helpful if personnel stationed locally are familiar with local language and customs.

OK to have a central headquarters for the I.O.O., but should also have satellite offices around the world. A hotline should be set up to provide quick notification of hostilities or other severe trouble, and the line should be linked to all satellite offices.

Good for the I.O.O. to have an 'action committee' for defense, which can make quick decisions that will be subject to ratification or overrule by the full assembly. Several specific rules defined as to the staffing of the Defense Committee.

Citizenship

By far the most complex question that the Answers to Everything SIG has treated thus far has been Question 21, on whether an individual needs to identify himself/herself as being a "citizen" of a given country, or whether there can/should be such a thing as "dual citizenship", or whether an individual can be a citizen of no country, or whether we need any kind of citizenship at all. After a ten-month review and three re-reviews, our finding is that the institution of citizenship should be discontinued.

Secession and treason

Any segment of any jurisdiction may secede from its parent with approval of such action by a 2/3 majority of the seceding group. In this context, "treason" has been defined as any action which is intended to undermine or subvert the existing government by a resident of that jurisdiction, not including the encouragement of secession. Penalties for treason should be among the stiffest available.

International relations

Peaceful transfer of territory between countries may be arranged without I.O.O. approval, if and only if such transfer is consensual among all affected countries. Individual countries may submit border disputes to arbitration by the I.O.O., though

localized peaceful negotiations should first be given every chance to succeed. Multilateral treaties may be enforced by the I.O.O., though we shall require each house that is assigned to consider a particular policy statement to approve same by a 2/3 majority in order for it to carry. Neither the I.O.O. nor any individual country may incur into another country because it disapproves of that country's form of government. An individual or consortium may purchase all or part of a country if approved by 2/3 of the affected residents.

In general, a country may react unilaterally to any actual military incursion across its border, and/or appeal to the I.O.O. to take appropriate countermeasures. If there is sufficiently compelling evidence that an attack is immediately imminent, such that there is insufficient time to obtain I.O.O. authorization, a country may act unilaterally to prevent the attack, but they had better be in a position to justify their actions before the I.O.O. later, or else be subject to retaliatory action themselves. Otherwise, such matters should be left up to the adjudication of the I.O.O.

American government

Considering the general philosophical question of what sort of country we want to have in America, we agreed to retain many current institutions, including maximum personal freedoms, representative government, equal voting weight for each person, a free-market economy, and a federal system of government where many functions are devolved down to lower levels. We also agreed that we want to see more political and fiscal accountability, more enforcement of campaign promises, and less attachment to the idea that America should be the "watchdog" of the world.

SECTION I-B: GOVERNMENT ORGANIZATION

Confirmed that we want a federalized government, with different functions assigned to different levels. No change recommended in existing State boundaries. To change a State boundary should require a 2/3 majority of the affected populations; to break up a State should also require majority approval of the national Legislature. Adopted the concept of 'subsidiarity', which says that functions should generally be devolved down to the lowest levels that can adequately manage them.

Decided some specific points on Territories, including which types of areas should be under direct federal control, the procedure by which that determination is to be made in specific cases, and what rights a Territory should and should not have.

Counties have been defined as essentially regional administrative arms of the State, and Cities have been defined as specific geographic areas where (1) certain laws could be enacted, and (2) certain small-scale administrative functions could be managed.

Agreed to incorporate the U.S. Constitution into our overall model, though we also agreed that there are certain specific elements of the Constitution that we might like to change, when we get to the appropriate Sections of our Outline.

SECTION I-C: THE ELECTION PROCESS

Adopted Resolution #2A, that "Most or all legislative and senior executive government positions should be filled by individuals elected by the general populace, the will of the majority of the electorate being the best determinant of who should serve in which capacity", and Resolution #2B, that "Most or all subordinate executive

government positions should be filled by appointment of higher levels, candidates for such positions to be nominated and/or screened by peer groups as applicable." Exception for Counties, the administrative heads of which should be appointed by the elected legislature. Each jurisdiction should have a constitution or charter that specifies the actual selection method for each position or class of positions in that jurisdiction; each constitution/charter should also specify the mechanisms by which that document may be amended.

Subsection I-C-1: Parties, Apportionment, and Voter Registration

Considered continued viability of political parties, and adopted Resolution #3, as follows: "Candidates for office may choose to attach themselves to one or more organizations to help with fundraising, publicity, and other such chores, but such affiliations should not appear on any ballot, and should not factor into the filling of any office within any legislature."

State election offices should have control over district boundary-drawing at all levels; some specifics determined as to actual process. Guiding principles for drawing the lines should include compactness, simplicity, and similarity of community makeup. Defined three specific rules to be imposed on drawing committees, along with certain procedures for approving or overturning the plans produced by those committees.

Agreed that voter registration continues to be important even in the absence of political parties. Several detailed rules compiled as to who should be permitted to register to vote, the conditions under which one may/must re-register, what should happen when a voter has been inactive for a certain number of elections/years, and related items.

Subsection I-C-2: Qualifications for Office

There should be no residency, age, or citizenship requirement to be eligible to serve in public office. Voters may choose to elect convicted criminals, provided that they have full disclosure of such information before voting. No other requirements are to be added for government office, with preference toward letting the voters in each race decide the best candidate.

Treated the topic of term limits, and adopted Resolution #4, as follows: "RESOLVED, The imposition of artificial limitations on the number of terms served by any given public official is contrary to the interests of a free electorate, who should have maximum flexibility in choosing their representatives and leaders."

Candidates should not be required to answer questions on topics that do not directly relate to the qualifications for the positions that they seek, and it may be considered inappropriate for such irrelevant questions even to be asked.

Subsection I-C-3: Campaign Reform

Public funding of campaigns should be eliminated, though government may provide each candidate with minimum exposure by printing their pictures and campaign statements in ballot pamphlets, and by arranging a minimum number of debates in which all candidates may participate. There is to be no limit on campaign contributions, but there shall be a maximum spending limit, and there shall be full disclosure of all contributions and expenditures; the actual limits are to be set by individual jurisdictions, based on current economic and technological conditions.

Campaign contributions received in excess of the jurisdiction's designated spending limit should escheat to that jurisdiction's general fund.

There shall be no filing fee for entering a campaign, but prospective candidates shall generally be required to collect a certain number of signatures on a petition. Specific provisions adopted as to the signature-collection process.

Each jurisdiction may set its own rules for its own elections, and the federal government in particular shall set and apply uniform rules for national elections. Candidates may generally expend their campaign budgets as they see fit, so most/all "equal time" rules currently in force may be discontinued. No polls or surveys pertaining to an election may be published during -- or at any time prior to -- Election Day, though candidates may contract with polling services to obtain information for private use, as part of their campaign budget.

Best for each jurisdiction's election office to maintain records of all campaign contributions as part of its normal operations. It is in the public interest for the campaign spending limit to be low. Changing the campaign spending limit should be done by referendum or initiative. No payments of any kind should ever be made to incumbent officials, except a government paycheck.

Subsection I-C-4: Voting and Tallying

Maximizing voter participation is not necessarily in the public interest (which expression we have defined as "the set of conditions which will tend to maximize the aggregate quality of life of the residents of a given geographic area"), but maximization of willing voter participation is.

Facilitating registration and making actual voting as easy as possible should help to maximize willing voter participation; however, providing prizes, cash payments, or other such incentives to vote is not in the public interest. The use of mailed ballots is to be encouraged (though in-person voting will still be permitted), until electronic voting can be fully implemented.

Popular elections should not happen more frequently than once every two years.

The final weeks before Election Day will include prohibition of campaign ads in broadcast media. All candidates sending out campaign material in the mail shall be required to send out at least one application for mail-in ballots. The announcement of election results shall not be permitted in any area while polls in any other area are still open.

We identified multiple issues surrounding electronic voting, but found that all such issues should eventually be satisfactorily resolved by continuation of ongoing efforts, and that we can eventually transition to an environment where votes are cast only by electronic mechanisms.

The Electoral College is to be discontinued. Instead, State election officials will communicate statewide results on national elections to the national legislature, which will be responsible for totalling and certifying those results as needed.

We examined several alternatives to the standard procedure of having each voter vote for only one candidate, with the victory going to whoever receives a plurality of those first-place votes. Under the 'yes/no/abstain' method that we ultimately

adopted, each voter may vote 'yes' to approve as many candidate(s) as he/she wishes, and may vote 'no' to disapprove any candidate(s), and may abstain from voting on any candidate with whom he/she doesn't feel sufficiently familiar. Each candidate's 'no' votes are subtracted from his/her 'yes' votes, and the victory goes to the candidate(s) with the highest quantity of (yes - no).

We concluded that there is no real value in having a "none-of-the-above" (NOTA) ballot option as part of our election model.

Subsection I-C-5: Recall Procedures

An appointed official shall be subject to removal by the official who made the appointment (or that official's current replacement), subject to the same just-cause requirements as may be applicable in any employer/employee situation, and elected officials may be removed by special recall election. The recall process is to be begun by gathering signatures on a petition (same as for the original election), with each jurisdiction determining -- for each type of office -- how many signatures shall be required to validate the petition. Simple majority of the voting electorate shall be both necessary and sufficient to complete the recall. Very high-level positions (such as President, Governor, etc.) should have separate backup positions (Vice-President, Lt. Governor, etc.). Most/all other elective positions vacated by recall should be filled by the highest-ranking candidate in the previous election that is both willing and able to serve, but should still have a designated order of succession from other positions for when no alternate candidate is available.

SECTION I-D: EXECUTIVE STRUCTURE

Guiding principles

The first few Questions in this Section deal with some general points on structuring, appointments, and reporting relationships in executive branches of government at different levels. Among our findings is that the guiding principles which should be observed by government agencies should include responding to the needs and desires of the people being served/governed, and more specifically that their actions should balance the long-term values of a society with its short- and medium-term policies and desires. Motivations for specific agencies to follow these principles can include competition with other jurisdictions, recall or unreelection of senior executives, incentive-based pay and bonuses for employees, and the possibility of firing or other disciplinary action for very poor service.

We don't want government to be making any decisions about our actions based on subjective judgments. Rather, anything that they would have us do or not do should first have been approved and codified by the applicable elective legislature.

Removal from office

Feedback forms should be made available, to get public response on the level of service provided by government agencies and employees. To maximize the incentive to provide good service, we should replace the concept of tenure in the Civil Service program with protection from arbitrary firing. There should be no 'probationary period' in government service; once you're accepted for employment, you can be removed only for just cause. Even if a particular official (such as a U.S. President) is seen to be performing poorly, we're allowing for the possibility that to remove that official prematurely could cause an even greater disruption than leaving him/her in

office.

Above findings summarized in our Resolution #5, as follows: "All government employees -- up to and including the Chief Executives of the United States of America and of each of its constituent States and subsidiary jurisdictions -- shall be subject to possible removal from their positions at any time, for cause relating to the quality of their service, and/or the cost necessary to produce it."

The Vice-President

We find that the Vice-President (or analogous official of a lower jurisdiction) should automatically succeed the President (or analogous local official) upon his/her death during office, and that the President and Vice-President should continue to be elected on the same ticket, even in the absence of political parties.

Reporting relationships

All administrative department heads should report first to the Vice-President, Lieutenant Governor, etc., provided that the Fed has a National Security Council that includes the U.S. President, the U.S. Vice-President, and the future equivalents of the current Secretaries of State and Defense.

The Chief Executive of a given jurisdiction may take any unilateral action that is specifically authorized by a legislative provision; he/she may also initiate actions not specifically authorized or prohibited by the Legislature, though such actions are subject to override within 30 days by a simple majority of the Legislature.

Any administrative reorganization that results in elimination of a currently-filled position shall cause the affected employee to be put on 60-day 'priority placement', whereby that individual shall be given preferential consideration for any vacancy existing within that period, and then be granted a severance package if found to be not sufficiently qualified for any of these.

The Legislature should have authority to confirm or overrule the appointments of all department heads and bureau chiefs in the Executive Branch.

Question 135

In this Question, we created a model departmental structure for each level of government. The model structures for States and localities are intended only as a default recommendation; those jurisdictions may adjust the structures to suit their particular demographics, topography, economic potential, collective political philosophy, etc., etc.

Our current model structure stands as follows, with the individual Departments and Bureaus and Offices being listed in alphabetical order:

Federal

- Administrative Services
- Accounting & Budget
- Building & Floor Planning
- Infrastructure Maintenance
- Personnel

- Procurement
- Security
- Transportation Services
- Defense
 - Air Defense
 - Intelligence
 - Land Defense
 - Sea Defense
 - Space Defense
- Domestic Affairs
 - Agriculture
 - Arts
 - Business & Securities
 - Census & Statistics
 - Copyrights & Patents
 - Domestic Trade
 - Electronic Communications
 - Language Resources
 - National Parks
 - Public Information
 - Social Services
 - Territorial Administration
 - Water & Power
- Foreign Affairs
 - Cultural Exchange
 - Diplomatic Relations
 - Immigration
 - International Trade
- Health & Safety
 - Disaster Relief
 - Environmental & Consumer Protection
 - Occupational Safety
 - Public Health
- Justice
 - Criminal Records
 - Detention
 - General Counsel
 - Investigation
 - Marshal
 - Prosecutor
- Science
 - Earth & Sea Exploration
 - Measurement Standards
 - Meteorology
 - Research & Development
 - Space Exploration
- Transportation
 - Air Traffic
 - Airports & Harbors
 - Highways
 - Railroads
- Treasury
 - Asset Management
 - Currency & Banking

- Government Payroll & Pensions
- Revenue Collection

State

Administration & Finance

- Accounting
- Investments
- Payroll
- Personnel
- Taxation

Commerce

- Banking
- Consumer Affairs
- Corporations
- Gambling Regulation
- Insurance
- Tourism

Conservation

- Environmental Protection
- Historical Landmarks
- Wilderness Areas

Elections

(no separate bureaus)

Law Enforcement

- Gun Control
- Internal Auditing
- Investigation
- Police
- Prisons & Parole
- Prosecutions

Public Services

- Disaster Relief
- Job Training
- Occupational Safety

Transportation

- Driver's Licenses
- Highway Construction & Maintenance
- Vehicle Registration

County

Administration

- Budget & Auditing
- Facilities Management
- Personnel & Payroll
- Taxation

Education

(no separate bureaus)

Environmental Services

- Conservation
- Ecological Restoration
- Fish & Game
- Waste Management

- Garbage Collection & Removal
- Recycling
- Sewage Management
- Health & Safety
- Animal Regulation
- Building Permits & Inspections
- Coroner
- Drug & Liquor Regulation
- Fire & Rescue
- Medical Services
- Restaurant Inspections
- Parks & Recreation
- (no separate bureaus)
- Public Assistance
- Child Placement
- Counseling Services
- Disaster Relief
- Entitlements
- Job Placement
- Job Training
- Worker's Compensation
- Records & Elections
- (no separate bureaus)
- Transportation
- Airports
- Harbors
- Public Transportation
- Street & Highway Maintenance
- Traffic Management
- Water & Power
- (no separate bureaus)

Municipal

- Administration
- Facilities Management
- Finance
- Personnel
- Cultural Enrichment
- Arts
- Historic Preservation
- Libraries
- Parks
- Special Events
- Tourism
- Permits & Licenses
- (no separate bureaus)
- Public Safety
- Corrections
- Disaster Relief
- Police
- Transportation
- Parking Enforcement
- Public Transportation

- Street & Highway Maintenance
- Traffic Management

Subsection I-D-1: Executive Branch of Federal Government

Department heads should be referred to as 'Director' instead of 'Secretary'. The 'Chief of Staff' shall only supervise the President's personal support team, and shall not have any involvement in executive or political matters. U.S. President and Vice-President shall continue to serve 4-year terms. Measures adopted for when the spouse of a Chief Executive is found to be guilty of treason.

Subsubsection I-D-1-a: Department of Foreign Affairs

It is not reasonable to expect that relations between countries will always remain normal and peaceful, thus it is appropriate to have a separate Department that specializes in maintaining peaceful and constructive relations with other countries.

We will continue to have an ambassador for each country in the world, plus consuls for major cities. Consuls report to ambassadors, who report to District Directors, who report to the Diplomatic Relations Bureau, which shall include a unit for providing security services to foreign dignitaries, to relieve that function from the current Secret Service. Provisions adopted as to appointment of diplomats, who should generally serve until they retire or their performance is found to be sufficiently unsatisfactory as to warrant removal.

Embassies and consulates shall continue to be treated as sovereign territory of the countries being represented.

The institution of diplomatic immunity should be discontinued. No objection to treating arrested/convicted diplomats in special ways, but they should most definitely not get away with violating the criminal codes of the host country.

Further statements offered on travel checkpoints for disease screening and criminal identification. Generally, countries may perform these operations as they deem necessary and appropriate, and the U.S. may wish to continue performing some such activities, but we would like it de-emphasized as much as we can.

It is OK for the U.S. to send free economic aid to foreign countries, but only after we have first taken care of the hungry and homeless and diseased within our own borders.

Question 148 considered the feasibility of merging the U.S. with Canada (with the possible exception of Quebec), and we determined not to offer such a recommendation at this time.

Subsubsection I-D-1-b: Department of Defense

We do want to maintain a standing armed force for defensive purposes, but we should not initiate military attacks against any other countries for any reason. We may (and should) participate in I.O.O.-sanctioned campaigns against countries who initiated hostilities with other countries, and we may (and should) defend ourselves and our allies when directly attacked, but that should be the full extent of our military involvement.

Military service should never be compulsory. OK to provide incentives for service if desired, but ultimately keep it voluntary.

Only restrictions permissible on who may serve are (1) the physical capability to perform jobs in Service, (2) passing a psychological evaluation, (3) not belonging to any organization that has expressed ill will toward the U.S., and (4) an intelligence level above some designated minimum. As long as the same entrance standards (e.g., height, weight, age) are applied equally to all recruits, there is no valid reason to deny induction on the basis of either gender or sexual preference.

Pregnant women in Service should be re-assigned as needed to duties which are not hazardous or physically over-strenuous, and should be given a healthy maternity leave when the time comes. In no wise should they be discharged from Service as a result of getting pregnant.

Barracks and latrines may generally be shared among soldiers of all combinations of gender and gender preference, but different military units may experiment to see which different types of showering arrangements work best and worst as far as both practicality and allowing all soldiers to feel comfortable.

We do wish to continue to have an agency to gather intelligence on other countries, including by covert mechanisms as needed. This agency can/should be part of the Department of Defense, and we find that it is absolutely not necessary to have a separate department for 'homeland security'.

Subsubsection I-D-1-c: Department of the Treasury

Confirmed that this department will cover Asset Management, Currency & Banking, Government Payroll & Pensions, and Revenue Collection. Other questions of an economic nature to be evaluated in Part II of our Outline.

We do want to maintain ample acreage for forests, both as a strategic reserve for lumber and also to help replenish our regional oxygen supply. OK for some forest land to be sold or leased to private commercial organizations, but we also want to continue to keep some forest land in the custody of the federal government, specifically the Bureau of Asset Management.

Subsubsection I-D-1-d: Bureau of Environmental & Consumer Protection

There should be an agency at the national level to treat environmental issues, but similar agencies should also exist at more local levels of government. Environmental issues at the national level often dovetail with issues involving consumers of products, so the federal agency will consider both types of issues concurrently. Some specific functions that can be discharged by this administrative agency include ecosystem oversight, air quality, safety of food products, accuracy of packaging labels, and seismic monitoring.

Government should not be mandating fluoridation of drinking water, but local governments may arrange for chlorination or other treatment that may be needed to make water sufficiently potable. Government emphasis on species preservation should be limited to preventing significant population depletions that would cause an unhealthy shift in the ecosystem balance.

Subsubsection I-D-1-e: Department of Science

We see it as a responsibility of a progressive government to be conducting and/or coordinating and/or funding more scientific and technical research, and we are recommending that all such activities be managed through a central federal agency. Briefly considered the idea of making this a completely separate branch of government, instead of an agency of the Executive Branch, but decided to stick with the original model.

Subsubsection I-D-1-f: Agriculture, Transportation, Energy, Labor, Commerce

We found in Question 170 that we do not need to have a separate Cabinet-level department for each of these functions, and that they can be either segmented into different other departments, or else dismissed from the federal Executive Branch entirely. Considered merging all of these functions into a single Commerce Department, but decided to stick with the current model structure for the present.

Subsubsubsection I-D-1-f-i: Bureau of Agriculture

General mission of this agency should be to maximize the quantity and quality of our agricultural output. Specifically, this agency can monitor production levels, safety of agricultural processes, and humane treatment of livestock. All other functions of the current Department of Agriculture are to be either discontinued or assigned elsewhere. Any such monitoring of safety or livestock treatment should be conducted in accordance with specific written standards established by the elective legislature, and not on the basis of subjective judgments on the part of federal regulators.

Production monitoring should be of an informational and advisory nature only, and we're strongly recommending never to pay farmers not to grow certain crops.

Subsubsubsection I-D-1-f-ii: Bureau of Electronic Communications

Any monitoring and/or restriction of electronic communication content should be managed at the federal level, since these communications cross state boundaries all the time. In considering the extent of such monitoring and/or restriction, we would generally like as much freedom as we can accommodate, but we're still willing to be sensitive to the needs of those individuals who find certain types of material to be offensive.

Agreed to have a rating system and warnings for images of violence. Willing to allow a similar system of ratings and warnings for images of sex and/or nudity, consumption of harder intoxicants, and utterance of certain vocabulary words, but these standards should be updated continually through the use of fill-in-the-blank polling questions on the periodic Census.

Internet sites should be subject to the same anti-libel rules as all other media. Pop-up ads and spam e-mail's constitute an invasion of personal space for any individual who has not specifically opted in to allow such solicitations. There should be restrictions against propagating computer viruses, and parents should be able to block websites on the basis of selected keywords. No further Internet regulation beyond this.

Subsubsubsection I-D-1-f-iii: Bureau of Domestic Trade

Confirmed earlier concept that this agency will be concerned primarily with the effective distribution of goods within this country, while international trade will be controlled (as needed) within the Department of Foreign Affairs.

As a guiding principle, we want to make sure that internal trade is not overregulated at the expense of free enterprise. Beyond this, the topic of exactly what this agency will be doing will be treated in Question 461; if we find at that time that domestic trade can be allowed to proceed without government oversight, then we will be able to remove this Bureau from our model structure.

Subsubsection I-D-1-f-iv: Bureau of Water & Power

There should be a federal agency concerned with energy, whose primary functions are to make sure that we are producing and/or importing enough water and energy to meet our needs, that it is effectively distributed around the country, that safety in production and distribution is maintained at all times, and that we are continually exploring new technologies. Water quality is to be managed by local authorities, and jurisdictional disputes among countries should be adjudicated by the I.O.O.

One specific function of this bureau would be to administer dams which are involved in widespread water redistribution and/or hydroelectric production. Smaller dams operated for regional flood control purposes can be maintained by local authorities, though the Fed may step in if it is found that local mismanagement is presenting an imminent and serious threat to public safety. Any planning by the Water & Power Bureau as to distributing water from a given water source should take into account the ecological impact to the locality.

Subsubsection I-D-1-f-v: Bureau of International Trade

We should have no tariffs or other such restrictions on foreign trade, except that the same federal safety and accuracy standards that apply to goods manufactured within this country shall apply equally to imported goods.

Subsubsection I-D-1-f-vi: Labor

We found that there are no labor-related administrative functions that need to be dealt with within the federal Executive Branch at all, except as to the collection of certain statistics, which can/should be managed by the Bureau of Census & Statistics.

Subsubsection I-D-1-f-vii: Transportation

Listed some transportation functions to be handled within the federal Department of Transportation, and some other functions which should not be handled by that agency.

Some safety regulations such as seat belts and helmets may possibly be enacted at the national level, but the Fed may also allow some regulations to be enacted and administered more locally.

The Fed generally has no business either specifically approving or specifically forbidding construction of a highway that does not cross any state border, unless there is a demonstrable environmental impact upon a neighboring state, or unless

the highway is planned to cut through a national park or other federally-owned land. Two or more states may pool their resources to create highways crossing state boundaries, without any involvement from the Fed. The Fed should not be able to mandate speed limits on any highway in any state.

Air traffic controllers should not be permitted to go on strike, even with advance notice. Any air traffic controller who walks off his/her job while planes are in the air, particularly without arranging for adequate coverage, is presenting an immediate and serious threat to public safety, enough that he/she should be subject to criminal prosecution and whatever punishments may be forthcoming.

Subsubsection I-D-1-g: Department of Justice

There should be some federal agencies concerned with the enforcement of federal laws, and we have adopted the name 'Department of Justice' to cover all these. The structure currently includes bureaus for Criminal Records, Detention, General Counsel, Investigation, Marshal, and Prosecutor.

The 'Chief Prosecutor' shall be the head over the Prosecutor's Bureau, the staff position of 'United States General Counsel' shall be responsible for making any appearances on behalf of the United States in federal civil court, both the Chief Prosecutor and the General Counsel shall report directly to the Director of Justice, and we are discontinuing the use of the expressions 'Attorney General' and 'Solicitor General' at the federal level. Candidates for Director of Justice shall possess the same academic credentials as any other attorney, but we are not designating at this time any additional requirements on legal licensing or experience.

OK for this department to maintain a database of information that can be used for checking the backgrounds of those applying for certain high-profile jobs. However, this database should be strictly limited to actual criminal convictions, and should not include what anybody does within their personal lives. There should be a legislative committee charged with providing oversight over such areas, both specifically to make sure that no unauthorized information is being collected and generally to make sure that the agencies of the Executive Branch are not abusing their authority.

The Marshall's Office shall include a unit for providing security services to domestic VIP's, to relieve that function from the current Secret Service.

Subsubsection I-D-1-h: Other non-administrative Executive operations

As previously suggested, there should be a periodic Census, and we agree to keep the period at ten years. We will require universal participation as to certain minimum questions (name, age, gender, and residential location), with non-compliers subject to criminal penalty and/or a visit by a Field Enumerator. The form can also include non-binding polling questions, particularly as to broadcast standards (both visual images and vocabulary), to gauge the current mood of the country.

The primary function of the Bureau of Measurement Standards (formerly "Weights & Measures") shall be to spot-check the accuracy of newly-manufactured measuring instruments. Generally, we should not change 'weight' to 'mass' in our general conversational usage, unless and until we change in earnest to the metric system.

There should be exactly one language with which every American should be expected to be familiar, and there also should be exactly one 'official language' for purposes of all internal and external government communications, per our Resolution #6: "For government purposes, American English shall be considered the official language of the United States. Such resolution shall not preclude the use of other languages in private situations." Since we found that the designation of an 'official language' does logically imply a standard vocabulary and pronunciation, a government office probably would be needed to make this system work. This agency (the "Bureau of Language Services", reporting to the Domestic Affairs Department) shall communicate its standards by publication of one or more books, with periodic updates to reflect the continuing evolution of the language.

There shall be an office at the Federal level for emergency relief in case of natural disaster. (In our current model, the bureau reports to the Health & Safety Department.) This office shall generally supplement local efforts on request, and shall step in unilaterally only when it is clearly evident that state and local authorities have been incapacitated to the point of not being able to respond effectively themselves.

We do want to have an agency for Copyrights & Patents, and it may reside as a bureau within the Domestic Affairs Department. We would like for the offices to be financially self-sustaining, **if** the volume of new intellectual-property applications is high enough that application fees can cover both unit costs and overhead costs, and still be reasonable, but we acknowledge that funding by tax dollars may be needed if this is not the case. Copyrights are to remain valid for 50 years or the lifetime of the author, whichever is longer, with no option for renewal, except that the lifetime option will apply only if the author of record is one or more natural persons. Patents are to remain valid for 10 years, with a one-time option to renew for another 10 years, upon payment of the applicable additional fee.

The Fed shall create a network of help/orientation centers that will provide voluntary 'one-stop shopping' for housing, food, banking, mail, lockers, office services, job training/referral, career/financial counseling, language/literacy education, medicine and disease screening, psychological/substance rehabilitation, shelter from abusive family members, hospice care, and several other services, so that homeless people and others can get their focus while they arrange their next steps. We identified several specific parameters for these centers, which will be managed by the Social Services Bureau of the Domestic Affairs Department, as possibly the only function performed by that agency.

Subsection I-D-2: Executive Branches of State Governments

Where there are no specifications listed for a particular agency, we are generally allowing the applicable jurisdiction to establish and implement its own functionality preferences, though we reserve the option to add further recommendations later on as we think of them.

Commerce

The state Consumer Affairs Bureau should check for false advertising, including by periodically spot-checking gas pumps for false calibrations.

OK to continue to have non-profit corporations, and for them to be regulated as needed by the Corporations Bureau of the Commerce Department.

Our standard Resolution #2B protocol shall apply to insurance commissioners; i.e., they shall be appointed by their bureaucratic higher-ups, being the Commerce Department head and the state Chief Executive, after nomination and/or screening by peer panels as applicable.

Taking positions against 'redlining' by auto insurance companies, and in favor of mandatory auto-liability coverage. However, allowing self-insurance under certain strict conditions, and allowing premium discounts when drivers show a clean record for a long-enough period of time.

Elections

As determined in Subsection I-C-1, each State election office shall have control over apportionment line-drawing at all levels. As determined in Subsection I-C-3, each State election office should monitor all campaign contributions, and arrange for contributions received in excess of the designated spending limit to escheat to the State's general fund.

Law Enforcement

We should have stricter enforcement of the law requiring use of signals when turning or changing lanes, and all cops should be required to obey prevailing traffic laws when not in active pursuit. Both of these can be helped by citizens capturing violations on video.

Prisoners should not be allowed to commit acts upon other prisoners (assault, rape, extortion, etc.) that they would not be permitted to do in the 'outside world'. Prisoners with light records may work off part/all of their sentences by cleaning highways, but not the hard-core repeat offenders who would need more extensive supervision.

Transportation

A minimum understanding of American English shall be required in order to obtain a driver's license, beyond that which is required to pass any written exam on the 'rules of the road', so an additional test shall be administered on language facility.

Determined several specific parameters for improving traffic flow on highways.

Smog certification is to be handled by the Vehicle Registration Bureau of the Transportation Department, but overall car safety is to be controlled as needed by the Environmental & Consumer Protection Bureau of the federal Health & Safety Department.

SUV's present a safety hazard and inconvenience for people who drive conventional cars and can't see through/around them, so we agree that States may impose whatever registration surcharges they wish on SUV owners, to compensate the general public.

Subsection I-D-3: Executive Branch of County Governments

Environmental Services

Those involved with fishing and hunting should be required to prevent overdepletion, and counties should share information with other counties and states as needed, to show migrations and population-change patterns.

Health & Safety

Animal Regulation should pick up and spay strays.

The county Coroner's Bureau performs all processing of deceased bodies, including seeing to the disposition of any personal assets. Good to use DNA and other technologies to identify unknown deceaseds prior to cremation. Hospitals should be reporting all deaths to the Coroner's Bureau.

Users should not be required to pay for emergency services except when necessitated by their direct and deliberate action (arson, e.g.). Counties may contract with private companies to provide fire and/or paramedic and/or ambulance services, but also should reserve the right to perform them directly if privatization proves too expensive or otherwise problematic.

Good to minimize administrative operations in health departments, but records databases should network with those in other counties and states. However, these records should include only the most pertinent information, and nothing which would compromise an individual's privacy.

Public Assistance

The county Job Placement Bureau can offer voluntary job-switching service between current employees each of whom lives where the other works.

Transportation

Landowners should be constrained from building multi-unit residential developments in known flight paths, but individual landowners may build single-unit dwellings in flight paths if they wish.

Water & Power

Utility allowances can be provided to people who sign a statement certifying financial need.

Subsection I-D-4: Executive Branch of Municipal Governments

Cultural Enrichment

Good to have public lending libraries with free Internet access, but they should not be permitted or required to ban/censor actually-published works, and we don't want the Government having access to records as to what books individuals check out. Generally opposed to all provisions of the Patriot Act.

People should be allowed to play softball on designated softball fields without advance reservations or permits, when the fields haven't already been reserved by pre-payment. Especially stiff fines should apply for littering in parks or other recreational areas. Triple the regular littering fine when throwing out a lit cigarette anywhere. Communities may decide to enact certain regulations on the use of public

facilities, but we generally prefer to have minimal regulation and maximum freedoms.

Permits & Licenses

City planners/developers should generally try to spread housing and jobs out to a larger number of smaller towns. Zoning and business licensing OK.

Public Safety

Once the federal help/orientation centers for homeless and other disadvantaged individuals are operational, local communities may enact tougher laws against actively accosting or threatening the public, but should leave alone 'passive panhandling' and other non-harmful/non-threatening activities.

Police budgets can be partially funded by criminal fines, but not entirely. Where applicable, fines should be set at a given percentage of inflicted or threatened damage; we are suggesting 300% of damage for actual harm, and 150% of the estimated amount of harm in case of threat.

No hand-held cellphone use while driving.

Transportation

Paint red any curb area where you don't want people parking, rather than making people guess rules or estimate distances. There should be a 'pothole hotline', to help the City determine prioritization of repair. Limit heights of curbs.

Speed bumps should be left up to local preferences, and there should be well-advertised public hearings to determine this, each time that installation of speed bumps is contemplated.

Shouldn't have to stop at two red lights in a row, unless absolutely necessary. Good to have traffic light sensors, but they shouldn't work when someone has gone past the limit line. Motorcycles should be allowed to proceed after coming to a complete stop. Dumping push-buttons for pedestrians at traffic signals.

SECTION I-E: LEGISLATIVE OPERATIONS

Based on our findings in previous Sections, the national Legislature will have at least these functions assigned to it:

- To consider vetos of so-called 'judicial review' of previously-passed legislation;
- To decide (majority vote) whether an existing State is to be broken up;
- To approve and codify all applicable restrictions on individual and corporate behaviors, except where better to defer such judgments to lower jurisdictions;
- To authorize and/or prohibit actions of the Chief Executive, and to override (must be within 30 days) any unilateral action of the Chief Executive;
- To confirm or overrule the appointments of all department heads and bureau chiefs in the Executive Branch;
- To establish and maintain policies (through an applicably-designated committee) that provide harmonious balance among the needs of businesses, consumers, and the environment;

- To establish binding written standards for agricultural safety and livestock treatment;
- To receive notifications when the Bureau of Water & Power is intervening in the administration of local flood-control dams, and to override such decisions as appropriate;
- To ensure that information gathered by the Department of Justice on non-criminals is not overly invasive;
- To total and certify the results from States as to national elections.

In addition to whatever functions are managed and decisions made by the national Legislature, we agree that there definitely should be national propositions on national ballots, so that the public can directly trump the Legislature on certain topics.

Actual Questions in this Section are arranged in seven Subsections, to approximate the flow of legislation through the process. These seven Subsections are Basic Structure, Introduction of New Business, Committees, Amendments, Debate and Voting, Veto, and Miscellaneous.

Subsection I-E-1: Basic Structure

It is best overall to have at least the major policies of a large society decided by an assembly of popularly-elected legislators, as opposed to 'benevolent dictators' or a direct democracy.

For a country as large as America, we think that it's best to have three houses in the Legislature, one with a certain number of delegates per State, one with a delegate for each n of population, and a third with representation based on geographic area, same as the I.O.O. The same arrangement might be best for at least the largest States, whereas smaller and/or more homogeneous States may be able to do with two houses or even just one, but we agree to let each State decide for itself. Counties and cities can each manage capably with just a single house in their legislatures.

The per-State house will continue to have 2 delegates per State. The per-area house shall include 1 district for each of Hawaii and the District of Columbia, and shall comprise ordinary districts in the 48 contiguous States measuring 2° wide x 2° tall, bounded by odd meridians, with enough delegates assigned to Alaska to produce a total number of delegates equal to 240. Designating 600 delegates for the population-based house.

Territories get to participate equivalently in the population-based house, but the per-state and per-area houses will continue to involve only actual States, except that the District of Columbia shall have a minimum of one delegate in the per-area house.

States may exercise their own options as to whether the delegate positions assigned to them shall be filled by geographic district, by proportional representation, by at-large elections, or by some other means. However they do it, though, the delegates must be popularly elected, and any geographic district must conform to the rules that we established in Question 69.

Members of the per-state house shall have 6-year terms, with approximately one-third being elected every 2 years. Members of the per-area house shall have 4-year terms, with approximately half being elected every 2 years. Members of the

population-based house shall have 2-year terms, with the entire house being elected every 2 years.

Mid-term vacancies shall be filled by the highest-ranking candidates from the previous elections who accept within the first 10 days of eligibility, failure to thus accept enabling the next-higher-ranking candidates to become eligible for 10 days, and so on, a special election ensuing if no candidate from the previous election accepts.

There should be no change in representation amounts for a given State between decennial censuses.

There should continue to be a Chairman of each House, elected by all delegates using the 'yes/no/abstain' method. The first ballot is open, and goes to subsequent ballot only in case of a tie among all candidates, in which case subsequent ballots are limited to candidates with previous experience in that House, unless all candidates are equally experienced/inexperienced, in which case subsequent ballots are limited to the half who enjoyed the largest margin of victory over the next higher-ranking opponents in their most recent elections.

In case of foreseen temporary absence by the incumbent Chairman of the House, that Chairman can designate a replacement. In case of unforeseen temporary absence, the House shall conduct an election for a *pro tem* Chairman.

Any election for Chairman of any House shall be conducted by the 'Custodian of Congress', a position filled by Congressional appointment that remains filled even after Congressional adjournment, until it is actively re-filled by new Congressional appointment. The 'Custodian of Congress' also has the ongoing responsibility of managing all staff who work for Congress as a whole.

Disqualification of a delegate from his/her membership in a particular house without a recall vote from that delegate's constituency shall require a motion passed by a simple majority of that house, directing that a tribunal of that jurisdiction's supreme judicial assembly convene to conduct an impartial review of the case, their approval being necessary to complete the termination.

Subsection I-E-2: Introduction of New Business

The authors of any bill should designate at least one committee to review the bill. The bill goes first to a 'Bill Assignment Committee', who may recommend one or more additional committees to evaluate the bill. It is then read to the full assembly, who may modify any of the committee assignments, after which reading the bill goes to the designated committees for actual evaluation.

Subsection I-E-3: Committees

Good to continue to have 'committees', as decided by the entire membership of any house, and not subject to veto by that jurisdiction's chief executive.

Committee names generally should reflect clearly and unambiguously what those committees actually do. In particular, any 'Rules Committee' should be only working on the assembly's general operating procedures, and should not have anything to do with any piece of ordinary legislation. Also, there should not be any such thing as a 'Ways & Means Committee'.

Committees shall be unlimited in membership, and each delegate shall have his/her choice of up to 3 committees to join. If membership in a particular committee ever drops to zero, that committee is automatically disbanded, with all records automatically going to the Custodian of Congress (or corresponding local authority) for disposition as applicable.

A committee may pass a non-binding motion to ask one of its members to resign, whereas a binding vote to terminate a particular delegate's membership in a particular committee may be passed by a 2/3 majority of the full house.

We do want to have an 'Executive Oversight Committee' within the per-State house of the federal legislature to help with the evaluation of senior appointments within – and other actions taken by – the Executive Branch. The committee may recommend by simple majority that any executive appointment or other executive action be reviewed by the full per-State house, which may reverse such action by a 2/3 majority, with no time limit for appointments but within a 30-day limit for other executive actions.

There should also be an 'Economic & Environmental Affairs Committee' in each of the 3 houses of the federal legislature. Convene a special committee if a question ever arises as to whether a particular State should be converted back into a Territory.

The Custodian of Congress can open sessions of federal committees, either personally or through a duly-designated deputy, and can conduct elections for committee chairs using the 'yes/no/abstain' method.

Any vote taken by a committee shall be based on the number of ballots cast, not on the total number of voting and non-voting members of the committee.

Committees generally may only evaluate a bill and report back to the full assembly, unless all committees assigned to evaluate a bill recommend against it, in which case the bill may die directly.

If at least one committee is recommending further consideration of the bill, then the Bill Assignment Committee generally decides the sequence in which such items are to be taken up by the full assembly.

Subsection I-E-4: Amendments

No amendment gets attached to any bill without a 3/5 majority of the full house, nor without a statement included within the text of the amendment motion to the effect that the proposed amendment is germane to the bill to which the proponents wish it attached.

Once an ordinary bill is passed (with or without internal amendments) by a given house, it is circulated to the other two houses as applicable. Either of the other houses may attach additional amendments by a 3/5 majority, and any such amendment gets locked into the bill if it is also approved by at least one other house.

Subsection I-E-5: Debate and Voting

Houses and committees may generally set their own debate procedures, but all formal proceedings are to be televised.

Delegates may always vote when physically present, and may also vote remotely if they have been present (either personally or electronically) for at least 75% of the debate.

Houses and committees must have at least 50% of their memberships present (either in person or electronically) for a quorum in order to call a session to order, but business may continue normally if attendance falls below quorum at any subsequent time prior to adjournment.

Good to set time limits for actual voting, and to enforce them strictly.

Ordinary bills and motions shall require a simple majority for passage, but following items of business (in addition to those noted above) shall require a 2/3 majority: Reversal of any action within 24 months after original enactment, premature termination or change of any multi-year scientific or infrastructural project, and any appropriations in excess of budget.

Subsection I-E-6: Veto

Once a bill is fully approved by the Legislature, it is referred to the Chief Executive, who may enact it directly by signature within 30 days, or who can take no action, in which case the bill automatically takes effect in 30 days.

Third option is to actively veto all or some portion(s) of the bill. After a full veto, the house of origination has 24 months in which to override the veto by a 2/3 vote, or else the bill dies.

After a partial veto, the approved portions of the bill go into effect in 30 days, unless the house of origination first blocks enactment by simple majority. After such a block, the house of origination can unilaterally override the partial veto by a 2/3 vote, in which case the entire bill goes into effect immediately. Or, the house may take no action for 24 months, in which case the entire bill dies. Final option, the house may pass one or more amendments to the bill by simple majority.

After any such amendment(s), bill resumes normal process through the other houses, and veto cycle starts over if the bill survives to again reach the Chief Executive's desk.

Subsection I-E-7: Miscellaneous

Referenda and initiatives are to be allowed at both the State and national levels, but only for measures which have first been addressed and defeated by the applicable Legislature. An initiative measure can be placed on the legislative calendar directly upon acquisition of a designated minimum of voter signatures, and goes on the popular ballot automatically if it fails to achieve legislative approval. A measure originating in the Legislature and failing to achieve approval can be referred to popular vote either by a 1/3 vote of the Legislature within 30 days, or by a designated number of voter signatures within 24 months. Any referendum or initiative shall require a 3/5 popular majority for approval.

Most provisions in this Section ought to be included in the U.S. Constitution. Any validly-proposed amendment to the Constitution shall be put to popular vote of the entire nation, and shall be deemed ratified if it achieves a 3/4 majority.

We may continue to have certain agencies under the direct authority of Congress, including future equivalents of current Congressional Budget Office and Library of Congress. All such agencies shall be under the management authority of the 'Custodian of Congress'.

Anybody gets to say unofficially that something is "National <something> Week" or "National <something> Month", but only Congress gets to make such a designation officially, in which case it is to be known as "Congressional <something> Week" or "Congressional <something> Month".

Nobody gets to be registered as an official lobbyist, and any attempts to bribe legislators (including directly and indirectly, immediate and deferred, monetary and 'in kind') should be prosecuted actively. There are enough legitimate ways in our model to educate and persuade legislators without resorting to unethical practices.

Laws and contracts enacted by any governmental jurisdiction should automatically expire after a certain point, unless affirmatively renewed by the Legislature, as should all other laws and judicial decisions and criminal convictions based explicitly (either directly or indirectly) upon them.

All non-constitutional laws shall automatically expire 50 years after passage unless affirmatively renewed by the Legislature. No government contract with a private corporation shall have a term longer than 25 years.

A 40% affirmative vote shall be sufficient to renew a law or contract within 24 months before its scheduled expiration. The renewal period should be equal to the original period, and should commence immediately upon enactment of the renewal motion.

SECTION I-F: JUDICIAL REFORM

Subsection I-F-1: Basic Functions of a Judiciary

We do need some kind of judiciary, to help assess whether anyone's rights have been violated, and to recommend/order specific responsive action as appropriate when that does happen.

An ideal judiciary should observe the following principles already established in the course of previous Questions:

- 1) There are two basic kinds of rights, being 'natural' and 'civil'.
- 2) There are at least 6 actual natural rights, and maybe more besides.
- 3) Any right carries with it the right to waive that right.
- 4) Rights carry responsibilities to respect the rights of others.
- 5) Every individual has complete control over his/her own life, and over what means he/she will use to survive (if making that choice) and to maximize his/her quality of life, except when interfering with the rights of others.
- 6) Resolution #1: "Every individual ought to be able to do anything that he/she wants, provided that such action cause no injury (or immediate threat of

injury) to others”, where ‘injury’ is defined as ‘compromising a person’s ability to do what they would otherwise be physically and legally able to do.

Additional philosophical principles which we derive from the above include:

- 7) The purpose of justice is to achieve balance among different people’s rights.
- 8) The achievement of balance among different people’s rights is a never-ending process which will always require some amount of subjective judgment.
- 9) There therefore is no such thing as ‘absolute justice’. It’s all relative and subjective.

Subsection I-F-2: Judiciary Structure

Each governmental jurisdiction from international to municipal should have its own judiciary to adjudicate and enforce the laws of that jurisdiction.

Assignment of ‘bad acts’

Bad acts to be initially adjudicated by the I.O.O. should include, but not necessarily be limited to:

- 1) Crossing a national border with military force;
- 2) Environmental disasters – caused by either willful intent or negligence – affecting either international territory and/or multiple Countries simultaneously;
- 3) Crossing a national border with a known infectious disease;
- 4) Violation of international treaties;
- 5) Institutionalized slavery;
- 6) Genocide; and,
- 7) Widespread physical mutilation.

Bad acts to be initially adjudicated by the Federal judiciary should include, but not necessarily be limited to:

- 1) Environmental disasters confined within a Country, but affecting more than one State;
- 2) Violation of interstate covenants;
- 3) Crossing a State border with a known infectious disease, if there is documentation that the patient was officially notified by an attending physician or public health agency of competent jurisdiction that he/she was being quarantined and served with a specific travel restriction which required staying within the State;
- 4) Crossing a State border while under a State-imposed restriction to stay within the State border for some fixed duration;
- 5) Crossing a national border without going through all internal requirements.

Bad acts to be initially overseen by State judiciaries should include and be limited to:

- 1) Interactions among Counties; and
- 2) Interactions among Cities in multiple Counties.

Bad acts to be initially overseen by municipal judiciaries should include only violations of any laws/ordinances passed by the Cities themselves.

Bad acts to be initially overseen by County judiciaries should include anything not specifically assigned to any other level.

Better to combine criminal judiciaries and civil judiciaries into one single structure.

Funding

Generally, judiciaries shall be funded by a mix of civic support and fines paid by the losers.

Lawyers shall submit all legal bills to the court for approval, rather than directly to the client, so that the judge can assess whether the client is being overbilled.

Judges shall pass all these bills as submitted (not as modified) to a public or private watchdog agency (or more than one), who will then post the aggregate efficiency data for every lawyer online.

Losing parties shall provide compensation to offset the prevailing party's legal costs, generally according to a formula -- using data from a sampling of legal bills as submitted to the court -- indicating the relative complexity of the case in terms of the number of hours spent by the judge/court in treating it, but in any specific case subject to modification by the judge/court.

Appeal

OK to appeal cases to higher jurisdictions when judicial misconduct or honest procedural error is suspected. If appeal is upheld by higher court, then case is usually re-tried in the original jurisdiction with a new judge, but may be tried *de novo* directly by the appellate court.

Appeal may be initiated by either party, including to sequentially higher levels as applicable, but the appellant must show good cause with affirmative evidence before any further action is actually taken on the case. Each appeal shall be accompanied by an appropriate filing/processing fee, to be held in escrow and forfeited to the court if the appellant ultimately loses, but to be returned to the appellant and instead fined upon the appellee if the appellant ultimately prevails.

Timeframes

Appeals should be filed within 30 days of previous decision; appellate court shall try to respond within 45 days.

Better to have one single structure to treat both original cases at one's own level and appeals from subordinate jurisdictions.

Both new cases and appeals should come to trial within 3-6 months after initial acceptance by the court, or else adjust judiciary staffing levels accordingly.

Lawyers

We possibly could do without lawyers, but we probably should not try to in a society with ever-increasing complexity.

With one exception (next paragraph), all legal proceedings should continue to operate in an 'adversarial' environment, where all parties get to be represented by legal professionals acting as their advocates.

In criminal cases, there generally should be a preliminary proceeding involving a group of judges (similar to the 'grand jury' concept, except focusing more on overall fact-finding than on evaluating sufficiency of evidence for trial) who operate in an 'inquisitorial' environment, where they decide what witnesses to call, what questions to ask, etc., without any lawyers present to try to influence their decisions. Their preliminary review could help lawyers and judges to decide whether an actual adversarial trial is indicated, in which case they issue an 'indictment'.

Plea-bargaining should be used only for sentencing purposes, and not to get in the way of our finding out the actual facts of a case.

Attorneys should be blamed for losses when justice is done, but rather only when verdicts are overturned on appeal.

There should continue to be an early step in place within all areas of law where the attorneys summarize the stipulations and issues.

A combination of State bar associations and private watchdog agencies/websites should be sufficient to police lawyers' adherence to non-financial ethical practices.

Subsection I-F-3: Judicial Review of Legislation

The Judiciary generally may get to find that some lower law violates some higher law, but that power should be specified in that society's constitution, and not just assumed by the Judiciary.

Such overruling should happen only upon a 4/5 majority of the judicial panel. Even then, the Legislature should have the option to override the judicial veto, which shall require a 2/3 majority of the originating house and a 60-day time limit.

Any initiative or referendum should be officially reviewed for legal violation before voting, with the results of the official review appearing in the official ballot literature. If there is found to be a conflict with any higher law within that civic jurisdiction, then the proponents would need to include in the ballot the exact changes which would need to be made in the higher law concurrently in order to accommodate the proposed measure. If there is a conflict with an applicable law established at a higher civic level, then any judge at either level would be able to so state. No one gets to invalidate an initiative or referendum simply for being morally bad.

Judiciaries at any civic level may continue to make informal laws independently of the Legislature, wherever the current law is silent on a particular point at trial. Such decisions may continue to be cited as precedents in future legal cases, until such time (if any) that the Legislature for that jurisdiction ever adopts a formal law covering that point.

Any new law should apply retroactively. Any individual who has had to pay fines based on the previous law should have those fines refunded with interest. Any individual who ever faced incarceration based on the previous law should be released if still incarcerated, and should be recompensed by the applicable government for each year of unjust imprisonment.

Subsection I-F-4: Bad Acts

People should not be held accountable for any acts which do not injure or threaten injury to others; any laws prohibiting such acts should be overturned, including outside America, and including convincing as needed the religious organizations to which the lawmakers belong.

If a given alleged 'bad act' affects more than one jurisdiction, then it should be tried only once, by the lowest jurisdiction which encompasses all those affected. If a given alleged 'bad act' has impact within only one jurisdiction, then it generally still should be tried only once, unless new compelling evidence emerges after initial acquittal. Generally not good for a defendant to be charged separately under multiple laws which a jurisdiction may have that are similar but not identical, unless it can be demonstrated that the concurrent violation of certain additional laws makes the alleged 'bad act' even worse than it would have been otherwise.

For the 'Nuremberg question', if a military officer (commissioned or non-commissioned) orders a subordinate to do something that is viewed by the international community as a 'war crime', then responsibility and any applicable penalties should be shared among all participants, according to their relative levels of participation. Subordinates do not get to come back and claim that they were "just following orders" and that they therefore should be incurring no penalties. However, penalties for a given subordinate 'war criminal' may be partially mitigated if it can be shown at trial that he had strong individual reason to expect an unusually-serious reprisal for disobeying. These principles apply regardless of whether the alleged 'war crime' violates some specific international statute, or whether it instead violates some as-yet-uncodified 'universal human morality'. The verdicts of a 'war crimes' tribunal may under appropriate conditions be appealed to higher levels of international court, all the way up to the full 'international oversight organization', or some combination of its houses.

Subsection I-F-5: Arrest

Police officers must be uniformed, and drive in marked police cars, before they may detain or arrest anyone for minor offenses. However, un-uniformed officers in unmarked cars may attempt to prevent or mitigate serious crimes, and to catch the criminals red-handed.

Probable cause should be duly established before anyone gets arrested for anything.

Pursuits and investigations of suspected criminals may follow those suspects into other jurisdictions as applicable, but subject to the permission of local authorities, to be requested in advance whenever practical, or retroactively otherwise. Jurisdictions shall have the option to overturn any arrests occurring within their borders by police officers of other jurisdictions, if they find that those officers somehow acted improperly at the time. Disputes between jurisdictions may be appealed for adjudication to the next higher level, but advance negotiations of standard policies is recommended.

Countries may likewise decide -- either universally or on a case-by-case basis -- whether incoming refugees shall be protected within their borders or extradited to the pursuing governments. Lower-level jurisdictions shall have similar decision-making authority, but subject to upward appeal as applicable.

If a solitary 'bad act' simultaneously affects multiple jurisdictions at the same level, the case shall be adjudicated on a one-time basis by the lowest jurisdiction which comprises all those allegedly affected.

It is appropriate to continue the basic policy of 'statutes of limitations', whereby all individuals shall forever be free from arrest or prosecution once a certain number of years have passed without conviction after a particular alleged 'bad act'.

Subsection I-F-6: Investigation

Standards shall continue to be maintained for the gathering of evidence. Specific examples enumerated in the General Summary include warranted searches, elimination of torture, preservation of physical and chemical integrity, and an end to 'racial profiling'.

If certain evidence is obtained illegally, then it still shall be admitted, but the officers who performed the illegal actions shall be disciplined and/or reassigned, and any sentence shall be reduced by an appropriate increment in compensation for the violation of the defendant's rights.

Subsection I-F-7: The Trial

We shall continue to make it part of the standard procedure to have a hearing wherein a defendant is asked to declare whether or not he committed the alleged crime.

An additional penalty shall be imposed on any defendant who pleads 'not guilty' and then is later found to be guilty.

Defendants who choose to go to trial shall have the option, in either criminal or civil cases, to have their decision rendered by a judge or by a jury.

For the present, standard jury sizes shall be gradated between 6-12, depending on the relative severity of the alleged offense, lower numbers for lighter offenses, higher numbers for heavier. Defendants shall have the option to select a non-standard jury size, provided that the number remains within the 6-12 range, and provided that their selections shall not be available as excuses to challenge the outcomes later.

However, we should be acquiring better empirical data on jury accuracy in different combinations of jury size and voting requirements, by requiring all judges in jury trials to officially record -- for summation within a public website, and for association with specific cases within a secured module -- what they think the verdicts ought to be, based upon the evidence presented, such recording to be made after each jury retires for deliberation but before it returns with a result. The data for all such cases can be combined and collated according to a variety of factors, but the general aim is to see where the occurrence of variation between the judge's non-binding opinions and the jury's actual verdicts tends to minimize, and then to use those points to help decide which combinations of jury size and voting requirement tend to be the most reliable for different types of cases tried in different States or regions.

When we do start to collect and collate such data, we are suggesting that an optimal notation for categorizing jury formats is observable in the example of "12-11-10",

where "12" refers to the overall jury size, "11" refers to the number of votes needed to find in favor of conviction or liability, and "10" refers to the number of votes needed to find in favor of acquittal or nonliability.

However, even if the empirical data tend to show more similarity between judicial opinions and actual jury verdicts where conviction could still happen with one dissenting vote, we yet suggest on a purely philosophical level that unanimity must be required in order to convict someone, but that acquittals may happen with one or more dissenting votes, depending upon analysis of the empirical data.

We are tentatively recommending that civil verdicts could be decided with as many as two dissenting votes, but not with as many as three, pending analysis of sufficiently-large samples of empirical data.

We do not like the concept of 'professional jurors' who receive a living wage for full-time jury service. However, the jury pool should be left open to as many people as wish to serve, including those who are willing to serve on a full-time basis for the standard low juror stipend, although priority should be given when needed to those who have served on fewer juries to date. In any case, jury service should be invitational, but not compulsory.

Various suggestions offered for making jury service more interesting and less obnoxious.

The process of *voir dire* can be speeded up by having the entire designated number of prospective jurors answer in advance whatever questions are being asked by the attorneys, and then by having the attorneys make lists of jurors who are immediately acceptable or who need to be questioned further in person. Jurors common to both attorney lists can be empaneled immediately, with various options available for completing the panel as may be needed.

Rather than seeking to challenge the reality of 'demographic balancing' among jurors in a panel, we should be embracing the practice, at least until our society matures to the point where nobody ever again uses race as a factor in making any kind of decisions about anything.

Cameras may be allowed to broadcast court trials on local public-service channels, provided that juror faces and identities are always concealed.

Subsection I-F-8: Punishment

If a given defendant who definitely committed a particular criminal act was mentally unable to have formed a specific criminal intent at the time of the action, we yet should not find that he was 'innocent' by reason of either temporary or permanent insanity. Rather, the official finding should be that he was 'causative' of the alleged harm in question, but his mental condition can still be considered when deciding upon the disposition of the case.

If a given defendant is for some reason 'incompetent to stand trial', then the trial still should take place, and the defendant still should be allowed to attend without being hampered by drugs or other means, and he should be represented by a public defender who has received special training in acting on the behalf of defendants who cannot contribute actively to their own defenses.

A defendant who has been found to be 'causative', but who was mentally unable to have formed a specific criminal intent at the time of the action, can be found to be 'non-guilty', as opposed to either 'not guilty' or 'innocent'.

The expression 'guilty by reason of insanity' is redundant at the very least, and may be dangerously misleading, so we are recommending against its use.

If a defendant is acquitted in a criminal proceeding, then it is inappropriate to try him again later in a civil proceeding, even with different standards of doubt and/or different voting requirements for the jury.

We generally should be avoiding excessive punishments, aiming instead to get the convicts back into society as expeditiously as we safely can, and reserving the more serious dispositions for only those cases where they are really needed.

We should not allow 'pain and suffering' to be claimed as an adjunct to the primary accusation. Rather, the court should basically assume that 'pain and suffering' is a component of whatever 'bad act' is being alleged, and should set the disposition accordingly.

We should rely upon recent and local judicial precedents, and the defense attorney's familiarity with the same, to prevent any damage award for 'pain and suffering' to be excessive.

Where applicable, punitive damages may need to take some form other than monetary.

Generally, we expect to still need punishment and the threat of punishment, even in our improved societal model, because we anticipate that some people will still have neurological or emotional problems which have nothing to do with our various political and economic and social improvements, and which can lead to the desire to commit acts of violence or other injury upon others, and which will not always respond to simple counselings.

Opinions have varied over time and geography as to when punishment becomes excessive, so there is no one standard which can clearly be applied to all times and cultures, and we are holding to our Answer 19 that nations generally should be allowed to decide upon their own internal sentencing guidelines, provided that they have no impact outside of their territorial borders. However, we yet strongly advise all national leaders that they generally should avoid imposing too many punishments which their people are likely to consider excessive, because with their greater electronic knowledge of the outside world they are more likely now than before to rise up and depose any overly-brutal leaders from power.

Additional actions may focus on some combination of rehabilitation, forced removal from the occasion, deterrence of the individual, and deterrence of the general public, according to the assessment of an impartial and objective jurist who considers both the unique facts of each case and the legal precedents established for recent similar cases occurring within that jurisdiction.

Even after making the victim completely whole, and covering all applicable court costs and/or police overhead, convicted defendants may need to receive some additional punitive sentences, in order to discourage similar crimes from being attempted again in the future.

If a criminal conviction involves multiple defendants, then the amounts of economic restitution and criminal penalty associated with the act should be allocated among the multiple defendants according to the proportion of their respective participations, notwithstanding the position stated in the Guidelines Manual (2016 ed.) of the United States Sentencing Commission, holding that each defendant ought to be sentenced as though he committed the entire crime single-handedly. After the initial allocation, the offense level calculated for each of the multiple defendants should be adjusted upward by an appropriately small-but-significant increment as an additional penalty for participating in a conspiracy.

If the guilty/liable party does not have the monetary resources available to make full financial recovery to the direct victim(s), then financial assistance to the direct victim(s) should be provided by the local jurisdiction as needed, after which the money is owed to the local jurisdiction by the perpetrator, to be redeemed sooner or later one way or another.

We generally have an obligation to keep prisoners reasonably well-fed, comfortable, and protected from crime. However, different levels of living conditions can/should be maintained by different prisons around the country, such that convicted defendants may be assigned to different levels of initial confinement according to the relative seriousness of their offenses and their criminal histories, and such that prisoners may be either 'promoted' or 'demoted' to other facilities during the course of their terms according to the behavior which they exhibit while incarcerated.

If it has been determined that the total amount of fiscal and non-fiscal damage caused by an individual's multiple bad acts adds up to significantly more than he could ever be expected to repay in his lifetime, then we still might want to keep him alive in prison for some period if it can also be shown that he was legitimately unaware of the injurious nature of his actions, and that he is willing/able to produce some good to at least partially offset his previous evil. In most ordinary cases, however, either the perpetrator knew that his actions were wrong, or else he lacked the mental capacity to make that distinction, in either of which cases we have little motivation to keep him alive in prison, and to allow him to compound his original evil both by forcing society to pay for his livelihood and by presenting a deleterious influence on other prisoners.

Such an individual should not be committed to prison for the balance of his life, because keeping him alive and fed and comfortable and protected would consume resources which more justly should be devoted to innocent people, and would also consume prison space which more justly should be devoted to those convicts who have some real hope of redemption.

The termination of such an individual's life should be active, and as humane as the corresponding jurisdiction finds to be appropriate under the circumstances.

Notwithstanding the standards expressed in the Guidelines Manual (2016 ed.) of the United States Sentencing Commission, our position is that 20 years is the maximum sentence which should be imposed for any one criminal act.

If the sum of the current age for a given individual plus the minima of all remaining sentences (i.e., his 'earliest release age') exceeds 200 years, then we may fairly conclude that the individual is beyond redemption and therefore subject to life

termination, even allowing for the possibility of some wrongful convictions. This standard may be extended in future years based upon increasing life expectancies.

Individuals found to be subject to active life termination for having an 'earliest release age' of higher than 200 years should have all their convictions double-checked for error prior to termination, but the standard presumptions of innocence need no longer apply.

[All other agenda elements remain to be addressed by the group. Remaining subject headings appear at the bottom of the General Summary.]