

25th August 2018

## USA versus EU Development

There seems to be a general assumption that the development of the EU is not that different to how the American States came together to form the United States of America.

And that the EU member States have a similar relationship to their government in Brussels (Berlin) as the American States have to their Federal government in Washington.

We briefly examine the differences between how the two systems developed and how that might lead to an understanding of the future direction of the EU.

The Constitutions of each is briefly reviewed; beginning with the oldest of the two systems.

## Constitutional Differences

The following section is based upon a commentary "Comparing the U.S. and EU Constitutions" by William A. Niskanen, Chairman CATO institute, published in the Taipei Times on 4th August, 2003.

### United States of America:

- *\*"The United States is the oldest and largest surviving constitutional republic — a nation that has experienced a larger increase in area, population, and income; absorbing people of more diverse racial, ethnic, and language backgrounds than any other contemporary nation."*
- *"The preamble, for example, describes the objectives of the Constitution in only 52 words of forceful, declaratory, and quite general prose, which, by itself, provides no authority for any specific political decision."*
- *The main text, in only seven articles, describes the powers authorized to the several branches of government and the powers denied to the federal government or the states as few, brief, and well defined. All residual powers are reserved to the states."*

### American Constitution pre-amble:

*"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."*

- *"All residual powers are reserved to the states. And the Bill of Rights, with one exception, is a list of the rights of individuals against the state, not a list of claims by individuals on services to be provided by the state; the one exception is the right to a trial by jury. All residual rights are reserved to the people."*

## European Union

**Historical note:** What is being described here by Mr. Niskanen is the Constitution for Europe (2004) - the treaty was rejected in a Referendum in 2005 by the Dutch and French populations; mostly on the grounds of "loss of sovereignty".

The predecessor of the European Union - the European Economic Community (EEC) used the Treaty of Rome (1957) as its Constitutional reference. In the Maastricht Treaty (1992) the EEC became the European Community (EC) and the European Union (EU) was inaugurated;

but did not have a “legal personality” in international Law – that was acquired by virtue of the Lisbon Treaty (2007)

The current, de facto, EU Constitution is the Lisbon Treaty (2007) taken in concert with five earlier treaties.

The EU’s Constitution is the same rejected Constitution for Europe (2004) and came about by a deception upon the Member State populations; in which the rejected Constitution was taken apart and distributed within the Lisbon Treaty (2007) and 5 earlier treaties.

Key Clauses from the Constitution were distributed in the other treaties; the word Constitution was removed, as were any references to the paraphernalia of state; so that only a Constitutional expert would be able to establish that the Constitution was contained within the Lisbon treaty.

The treaty was renamed as a “Reform Treaty” to avoid the necessity of a Referendum on its contents.

Eire (whose own Constitution required a referendum) had two on the Lisbon Treaty: one against and a second one in favour.

Following the ratification of the “Reform Treaty” by their respective parliamentarians (MP’s and Peers) and Heads of State - the European Court of Justice (ECJ) declared, engineered through its own Case Law – that the Lisbon Treaty (2007) was a Constitutional Treaty and has since been the *de facto* Constitution of the EU.

The EU politicians were so pleased with their efforts in successfully hiding a rejected Constitution within the other EU treaties that they openly talk about their deception:

*“The fundamentals of the Constitution have been maintained in large part ... We have renounced everything that makes people think of a state, like the flag and the national anthem.” [Angela Merkel, El País, 25 June 2007.](#)*

*“This text is, in fact, a rerun of a great part of the substance of the constitutional treaty.” [Valéry Giscard d’Estaing, in his blog, 25 June 2007](#)*

*“For the commission the key goal was to save as much as possible from the 2004 text. On reading and rereading the new text, one can safely conclude that most has been preserved. The essentials have been retained.” An official at the [Commission's legal service, which helped in the drafting of texts, 25 June 2007](#)*

*“If we needed a referendum, we would have one. But I think most people recognise that there is not a fundamental change taking place as a result of this amended treaty.” — [Gordon Brown, The UK Prime Minister, interviewed by the BBC, 24th September 2007](#)*

*“The good thing about not calling it a Constitution is that no one can ask for a referendum on it.” — [Giuliano Amato, former Italian Prime Minister and Vice-Chairman of the Convention which drew up the Constitution, speech to the London School of Economics, 20th February 2007](#)*

And one honourable EU politician:

*The Constitution will have another name but the same content. Therefore, it should also be put for Referendums.” [Jens-Peter Bonde, Danish MEP, 28 June 2007](#)*

## Comparisons with the American Constitution

*"The proposed EU constitution is very different (from the American Constitution) in several dimensions. The preamble goes on and on for 293 words to describe the shared values and objectives of the Union; this is wholly unnecessary and sure to provoke continued controversy." (brackets added)*

*"One sentence alone, for example, commits the Union to "work for a Europe of sustainable development based on balanced economic growth, with a social market economy aiming at full employment and social progress," a sentence that includes at least five ambiguous terms."*

Comment: Since 2008 the EU has inflicted widespread austerity on the Member States leading to mass youth unemployment of up to 40% among its southern member states)

- "The proposed constitution has more than 400 articles but leaves several important issues unresolved. The relation between the Union and the member states, for example, is not clearly defined; one article suggests that the Union could use its power outside its exclusive authority if some unspecified body decides that the Union could do it better than a member state. Another article authorizes the Court of Justice to give preliminary rulings on the interpretation of Union law but without identifying what body has the authority to make a final ruling on these issues."*
- "The most important difference between the U.S. Constitution and the proposed EU constitution, however, is the concept of rights. The U.S. Bill of Rights is a list of individual rights against the state.*
- In contrast, the Charter of Fundamental Rights, which constitutes Part II of the proposed EU constitution, includes a long list of rights to services provided by the state.*
- Such rights, for example, include education, a free placement service, paid maternity leave, social security benefits and social services, housing assistance, preventive health care, services of general economic interest, and high levels of environmental and consumer protection.*

Comment: Centralised State Control (a modern Communist economic system) - and according to Article 6 of the Lisbon Treaty (2007) the EU only accepts the European Charter of Human Rights as long as it does not affect the EU's power viz.

### Lisbon Treaty (2007) Article 6

- 1. The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties. The provisions of the Charter shall not extend in any way the competences (power) of the Union as defined in the Treaties. (Bracket added)*
- 2. The Union shall accede to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Such accession shall not affect the Union's competences as defined in the Treaties.*

The cited commentary concludes with:

- *"Even those who favour the major provisions of the proposed (EU) constitution should be careful to ensure that the constitution limits the authority of the EU to define its own powers, because all governments seek broader powers than first authorized. (brackets added)*
- *Over time, an imperfect Europe of national states — bloodied but hopefully wiser — may be a better protection of liberty than approving the proposed constitution in the hope for a more perfect European Union."*

## The Beginnings

**In America:** *"The Constitution acted like a colossal merger, uniting a group of states with different interests, laws, and cultures. Under America's first national government, the Articles of Confederation, the states acted together only for specific purposes. The Constitution united its citizens as members of a whole, vesting the power of the union in the people. Without it, the American Experiment might have ended as quickly as it had begun." (archives.gov)*

### **In Europe:**

The European Union began as the EEC which pretended to be only a trading relationship between the Nation States of Europe (as the UK general public were assured (1975 EEC Referendum in the UK)) - even though the entire EU project had been formulated in the Treaty of Rome (1957)

The convoluted process by which the ECJ brought in the Constitution for Europe (2004) ensured that it would be the duly authorised Constitution for the European Union (which existed only in fragmented form within the EEC(EU) Lisbon Treaty (2007)) speaks volumes about the nature of the EU and the relationship between the ECJ and the European Commission.

The consequences of the EU acquiring a Constitution (which the Member States had inadvertently signed up to in the Lisbon Treaty (2007)) on its Member State populations are very far reaching.

The EU gained supremacy over the Constitutions and Laws of the EU Member States - all carried out by stealth - not in any way similar to the development of the Constitution of the United States of America.

The fact that the EU Constitution was brought in behind the backs of EU Member States populations shows the true nature of the EU project and the lack of morality of the people who are in control.

The supremacy of the EU Constitution is particularly disastrous for the people of the UK because our Common Law protections are being taken away.

Theresa May has already signed the UK up to the European Arrest Warrant (EAW) which requires the UK Police to arrest any UK citizen and deport him (or her) to another EU Member State; without any evidence - simply based upon a statement from any complainant in another Member State - where they can be detained under the EU's Corpus Juris legal system.

Corpus Juris is based upon Napoleonic Code and takes away our 'Habeas Corpus' and 'Trial by Jury rights': under Corpus Juris the accused can be held in prison for months:

- without legal representation
- until a state or appointed prosecutor decides when the matter should be investigated
- the accused will eventually appear before professional judges where they are assumed to be guilty and have to prove their innocence
- all totally opposite to our (UK) legal system. (see *EU Myths in the Archive section*)

### The EU's Frankenstein Constitution\*

The only way that the EU could bring about a Constitution for Europe was through a deception on the people of Europe - by breaking-up the earlier rejected "Constitution for Europe Treaty (2004) and hiding it other treaties.

In all, ~95% of the original was preserved within the existing treaties.

### Separation of Powers

In the EU - unelected EU Commissioners (swear an oath of allegiance to the EU) are the only group that can formulate laws - Directives and Regulations etc., - such laws are primarily designed for the benefit of lobbying international Corporations, big business, international Bankers, and other vested interests; other laws are devised in the interests of "Ever closer Union" - towards a single government supranational state.

Law making is carried out in secret - and subsequently those proposed laws are voted upon by the Council of Ministers and the European Parliament where they are either passed, rejected or amended - but they can be overruled or modified by the EU Commission.

The European Court of Justice (ECJ) is mandated to assist the European Commission in bringing about "Ever closer Union" and works with the European Commission to modify the Treaties, through legal rulings (Case Law); ensure Treaty compliance and enforce European Commission rules in favour of the EU. There is no discernible separation of powers in the EU in reality - the European Parliament is simply a box ticking group; based upon the Soviet "Duma".

### Conclusions

The American Constitution is about individual freedom and the rights of the American people - in the EU the Constitution and the Treaties together are about the top down control of the populations of Europe and over-regulation of all aspects of the lives of Europeans - over 120,000 regulations to-date. The EU is an out-of-control; regulation-generating bureaucracy - whose regulations are widely ignored or circumvented by commercial interests (e.g. certain German Motor manufacturers developing software to get around anti-pollution legislation)

The EU has also created widespread poverty and despair among the populations of many parts of Europe (see "[Poor Germans](#)" on this website)- by virtue its liberalisation policies (privatisation of Member State Public Services) and imposed austerity measures - requiring compliance with Maastricht Treaty (1992) Fiscal controls on National Deficit (<3%GDP) and Debt (60%GDP) - which also applies to the UK which is not in the Eurozone - but has been converging for entry.

The worst aspects of the EU though are still to come to public awareness - See Appendix below:

\* The above commentary was written prior to the accession of Eastern European countries to the EU and does not include areas that are in certain Single Market or visa-free access arrangements.

These include North African and the Middle Eastern states (Barcelona Declaration 1995); Ukraine; but do not include the continued attempts to "entice" the western Russian satellite (buffer zone) states such as Georgia etc. into the EU - in response Russia has threatened retaliation if Georgia joins NATO.

## Appendix

### How and Where the EU hid the Rejected Constitution for Europe (2004) within the text of the Lisbon Treaty (2007)

28th August, 2015  
(updated 13th June 2016)  
*last updated 21st January 2019*

#### EU Constitution (2004):

##### Part 1

Below are some of the relevant sections from the Constitution for Europe (2004) which have been cross-referenced with the texts in the Lisbon Treaty (2007) for comparison. The Constitution for Europe (2004) was rejected by French and Dutch voters in 2005, and the EU arranged for the main Articles, Declarations and Protocols (~95%) of that rejected Constitution to be distributed (hidden) within the texts of Lisbon Treaty (2007) - to avoid any further Referendums on the EU integration process.

#### Constitution for Europe (2004) - Extracts

I-6 EU Constitution and law has primacy over member states.

I-9-2 ... accepts the EU Convention on Protection of Human Rights.

I-10 ... will start with both EU and national citizenship.

I-12 member states may not compete with the EU's powers

I-12-2 in shared powers, member nations may not exercise power unless the EU allows.

I-12-4 the EU has power over defence.

I-13 the EU has absolute power on: customs, rules on the single market, monetary policy, fishing, commerce, and international agreements, e.g. treaties.

I-15 members must make their employment, social and economic policies comply with the EU's.

I-16-1 the EU has absolute power over foreign policy, security and defence.

I-16-2 all states shall comply with 16-1.

I-18. if the Constitution forgot powers to achieve its ends, the Council of Ministers shall add them.

I-19 Council of Ministers ("The Council") controls all EU Parliament legislation.

I-20 maximum of 750 EU (MEPs), five year term. Minimum 6, maximum 96, per State.

I-21 the EU Council (Heads of State) shall direct the EU and its foreign policy.

I-23 Council of Ministers, one per state, directs legislative and budgetary functions.

I-26 the EU Commission is the executive.

I-26-7 Commission has absolute power; accountable only to censure vote in Parliament.

I-27-1 Council chooses the President of the Commission, parliament merely ratifies it.

I-27-2 Council of Ministers appoints Commissioners. Parliament has no say.  
 I-33 EU laws, decisions and regulations are binding on member states – EU enforced  
 I-41 re-confirms military control. (French and British - nuclear weapons will be controlled by the EU)  
 I-4I-3 each nation is to build up its armed forces.  
 I-43 EU has the power to mobilise the military assets of all States when it declares an emergency.  
 I-46-4 "The principal of representative democracy" European Level Parties only  
 I-47-4 Petitions: One million citizens from many countries may invite the Commission to propose that the Constitution be implemented.  
 I-50 only the Council sometimes, and Parliament, shall meet in public.  
 I-59-3 if there is just a "clear risk" of a State breaching I-2 (Human rights), the EU can suspend that State's rights (including voting), but its obligations to the EU remains.  
 I-60 "Any State may decide to withdraw from the EU". But terms will be decided by the Council and requires agreement by the EU Parliament.

*This summary was modified from an original (see PDF file above) by: David Noakes. 07974 437 097 <http://eutruth.org.uk>*

**NOTE: We can avoid being controlled under this Constitution, and all our treaties with the EU, by repealing the 1972 European Communities Act; before we are imprisoned inside the EU.**

The table below shows the relationship between the numbering systems within the Treaty of the Constitution for Europe (2004), the Lisbon Treaty (2007) - which amended the Treaty of the European Union (TEU), and the Treaty establishing the European Community (TEC) which was renamed the Treaty of the functioning of the European Union (TFEU).

Constitution for Europe	Numbering in Lisbon Treaty	Numbering in New Treaties
I-6	now in Declaration 17	now in Declaration 17
I-9	Article 6 (TEU)	Article 6 (TEU)
I-10	Article 17 (TFEU)	Article 20 (TFEU)
I-12	Article 2a (TFEU)	Article 2 (TFEU)
I-13	Article 2b (TFEU)	Article 2 (TFEU)
I-15	Article 2d (TFEU)	Article 5 (TFEU)
I-16	Article 11 (TEU)	Article 24 (TEU)
I-18	Article 308 (TFEU)	Article 352 (TFEU)
I-19	Article 9 (TEU)	Article 13 (TEU)
I-20	Article 9a (TEU)	Article 14 (TEU)
I-21	Article 9b (TEU)	Article 15 (TEU)
I-23	Article 9c (TEU)	Article 16 (TEU)
I-26	Article 9d (TEU) / 211a (TFEU)	Article 17(TEU) / 244 (TFEU)
I-27	Article 9d (TEU)	Article 17 (TEU)
I-33	Articles 249, 253 (TFEU)	Articles 288, 296 (TFEU)
I-41	Article 28a (TEU)	Article 42 (TEU)
I-46	Article 8a (TEU)	Article 10 (TEU)
I-47	Article 8b (TEU); 21 (TFEU)	Article 11 (TEU);24 (TFEU)
I-50	Article 16a (TFEU)	Article 15 (TFEU)
I-59	Article 7 (TEU); 309 (TFEU)	Article 7 (TEU; 534 (TFEU)
I-60	Article 49a (TEU)	Article 50 (TEU)

**So there it is – The Constitution for Europe (2004), which provides the birth certificate for the Supranational State Dictatorship (Militarised Totalitarian EU Police State) that is the EU, hidden within the texts of the Lisbon Treaty (2007) with the word “Constitution” withdrawn, along with references to the "Paraphernalia of State", so as to avoid having to subject the Treaty to a referendum; signed by Gordon Brown and David Miliband.**

**It is important to realise that this Constitution was rejected in 2005 and only Eire had a Referendum on the Lisbon Treaty (2007) – which was described by Ryanair boss as unreadable.**

**1<sup>st</sup> Vote - NO on the 12<sup>th</sup> June 2008 (53.4% to 46.6%) 53% with a turnout; and a 2<sup>nd</sup> Vote YES on the 2<sup>nd</sup> October 2009 (67.2% to 32.9%) with a 59% turnout.**

**See the full Article on the Archive Section of this euexit.com website**