Sovereignty and Liberty: An American Perspective

John Griffing
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“In short, the ‘house of world order’ will have to be built from the bottom up rather than from the top down. It will look like a great ‘booming, buzzing confusion,’ to use William James’ famous description of reality, but an end run around national sovereignty, eroding it piece by piece, will accomplish much more than the old-fashioned frontal assault.”

Richard N. Gardner, recently Ambassador to Spain, writing in Foreign Affairs

Since the beginning of history, national governments have provided the best means of securing individual liberty. This could be said to be the primary purpose of government. Theories voiced by John Locke and Thomas Hobbes are often cited as foundational to modern views of government, and it is widely understood that some form of government is necessary to protect citizens against both outside invasion and the anarchic passions of the human condition.

The concept of liberty is rooted in a fundamental Anglo-American belief in the sanctity of personal property. Locke contended, “Man being born, as has been proved, with a title to perfect freedom, and an uncontrolled enjoyment of all the rights and privileges of the law of nature equally with any other man…hath by nature a power not only to preserve his property—that is, his life, liberty, and estate—against the injuries and attempts of other men, but to judge and punish the breaches of the law in others as he is persuaded the offense deserves.”

But man’s capability to defend his liberty extends only so far, wherefore, Locke advocates the establishment of a “political society” (government) as the remedy to this dilemma. Locke writes that “there, and there only, is political society, where every one of the members hath quitted his natural power, resigned it up into the hands of the community….” Liberty is then safeguarded by giving government limited power to protect average citizens from encroachments. This limited power is legitimized by the “consent of the governed” within an arrangement called a social contract, usually interpreted as elections. As Locke contends,
Where-ever therefore any number of men are so united into one society, as to quit every one his executive power of the law of nature, and to resign it to the public, there and there only is a political, or civil society.¹

Locke continues:

And this is done, where-ever any number of men, in the state of nature, enter into society to make one people, one body politic, under one supreme government; or else when any one joins himself to, and incorporates with any government already made: for hereby he authorizes the society, or which is all one, the legislative thereof, to make laws for him, as the public good of the society shall require; to the execution whereof, his own assistance (as to his own decrees) is due.² [Emphasis Added]

It is by this authorization that government gains legitimacy. In the absence of consent, Locke would hold government both illegitimate and despotic. Consequently, Locke claims that monarchy is the antithesis of legitimate government: “Hence it is evident, that absolute monarchy, which by some men is counted the only government in the world, is indeed inconsistent with civil society, and so can be no form of civil-government at all….”³

When and if governments act against the people, they can be removed by means of the electoral process. America’s framers, rich in the study of Locke, summed up it up this way:

All men are created equal and are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness…That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed…

But Locke’s view of legitimate government diverges somewhat from his contemporary counterpart Thomas Hobbes. For Hobbes, the social contract was a one-way, not a two-way affair, and rested on the complete transfer of all individual liberty and power to the state, embodied by a king, for the purposes of securing property. Once the

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² Ibid.

³ Ibid.
transfer had taken place, no liberty existed apart from that which was granted by the state. Hobbes believed human nature to be so vile that it must be wholly subdued, or free to devour, saying, “During the time men live without a common power to keep them all in awe, they are in that conditions called war; and such a war, as if of every man, against every man.” Furthermore, Hobbes contended:

…the nature of war consisteth not in actual fighting, but in the known disposition thereto during all the time there is no assurance to the contrary… Whatsoever therefore is consequent to a time of war, where every man is enemy to every man, the same consequent to the time wherein men live without other security than what their own strength and their own invention shall furnish them withal. In such condition there is no place for industry, because the fruit thereof is uncertain…and which is worst of all, continual fear, and danger of violent death…

As Hobbes would eloquently conclude, human life in this ghastly state is “solitary, poor, nasty, brutish and short.” This is why Hobbes advocated a system built on the principle that “man be willing, when others are so too, as far forth as for peace and defense of himself he shall think it necessary, to lay down this right to all things…”

Despite their clear philosophical differences on the recommended structure of government, Locke and Hobbes share at least one belief: that for the basic right to property to be protected and nurtured, popular will must consent to the establishment of some governing authority towards this end.

National governments, when founded on the Anglo-American tradition, are repositories of liberty. Unfortunately, a concerted effort is now underway to re-define nations primarily as markets.

Kenichi Ohmae, Managing Director of McKinsey & Co. Japan, in his widely read book *Borderless World*, remarked, “Multinational companies are truly the servants of demanding consumers around the world…When governments are slow to grasp the fact that their role has changed from protecting their people and their natural resource base from outside economic threats to ensuring that their people have the widest range of choice among the best and the cheapest goods and services from

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around the world...they discourage investment and impoverish their people....”7 Similarly, founder and chairman of Sony Corporation Akio Morita called on the 1993 G-7 Summit in Tokyo to find the “means of lowering all economic barriers between North America, Europe, and Japan—trade, investment, legal, and so forth—in order to begin creating the nucleus of a new world economic order that would include a harmonized world business system...that transcends national boundaries.”8 This sort of market elitism has been espoused by many American power brokers as well, including none other than David Rockefeller:

_We are grateful to the Washington Post, the New York Times, Time Magazine, and other great publications...It would have been impossible for us to develop our plan for the world if we had been subject to the bright lights of publicity...But the world is now more sophisticated and prepared to march towards world government...The supranational sovereignty of an intellectual elite and world bankers is surely preferable to the national autodetermination practiced in past centuries._9

The market argument deceives unsuspecting populations into accepting diminutions of their sovereignty. Jean Monnet, father of the European project, was clear about this objective, saying, “Europe’s nations should be guided toward their super-state without their people understanding what is happening. This can be accomplished by successive steps each disguised as having an economic purpose, but which will eventually and irreversibly lead to federation.”10 Robert Pastor, political dynamo and proponent of North America amalgamation, openly advocates this deceptive and undemocratic strategy. As he said in his book, _Towards a North American Community_, “It would be better...to follow Monnet’s advice and move forward with small steps...”11

This is the trend in present-day Europe. Having just concluded the Lisbon Treaty, effectively erasing historic nation states, Europe has opted for efficiency over liberty.

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8 Ibid., p. 124.
New proposals posing as solutions to the European debt crisis would make entire nations “wards” of appointed EU budget officers.

Interestingly, there are some interesting parallels between the newly forged federal Europe and the former Soviet Union.

As a matter of fact, there is no higher power than the European Commission. The unelected European Commission acts as supreme legislator, ipso facto, a politburo. Unlike the separation of powers found in the political organization of the United States, or the two-tiered system of checks and balances found in the legislative structure of the United Kingdom, the European Commission can revise, edit, repeal, remake, and remand laws passed by the duly elected representatives of the European people. This process has been allegedly improved with a procedure called “co-decision,” but the wind still blows from Brussels.12 When all is said and done, assuming the European Parliament is uncooperative, the Commission can simply rule by fiat, and implement policy via regulation, which is immediately binding in all member states.13

Far from a traditional democratic body, the European Parliament is a publicity stunt, elected through a “list” system that minimizes popular choice. People vote for a party list, eliminating competitive elections.14 If candidates on the list are not representative of local tastes, citizens will have no recourse but to vote for another party, which presents its own challenges. In essence, the European Parliament fulfills the role of backing the policy prescriptions of the Commission and giving a democratic face to the European Union (EU).

And eerily similar to the Soviet approach of divide and conquer, hundreds of artificial regions have replaced traditional provinces and counties on a host of policy questions15, and these abstract constructs answer directly to Brussels. In point of fact, regional governments can now compete independently of national parliaments for European Union (EU) funds, neutering national sovereignty and creating new financially-driven loyalties that supersede questions of national patriotism.


14 See the Electoral Reform Society’s explanation of the pros and cons of list voting: http://www.electoral-reform.org.uk/party-list; Also see the Electoral Commission’s explanation of list voting: http://www.politics.co.uk/reference/electoral-reform-and-voting-systems

The centrality of regionalism to the EU agenda is embodied in “Framework” regulation 2052/88 instituted by regional visionary Jacques Delors during his time as European Commission President: it provides a swift means of delivering regulation upon the subject peoples of Europe without the filtering mechanism of national parliaments. Since regulations, apart from directives, instantly become law in EU member states without parliamentary scrutiny, it makes sense to have European administrative units that are charged with the implementation of European policy.

The Delors regulation made it lawful in all EU member states for regional authorities, which were a requirement after the Single European Act, to deal directly with Brussels on a host of issues without consulting, or working with, national parliaments. The Treaties of Amsterdam and Maastricht even gave regional authorities an advisory role in all EU legislation, regulations, and directives. Currently, the EU’s end-run around national parliaments only extends to “structural funds,” which encompasses most economic issues. But as “EU law takes primacy over the law of member states,” there would be little, if any, recourse for national parliaments following new regulations that expanded on the current EU practice of benign neglect.

Joseph Stalin once observed that people will more readily surrender sovereignty to vague regional entities with which they have more in common, than to an abrasive and offensive world authority. In his 1912 essay “Marxism and the National Question,” Joseph Stalin maintained that “regional autonomy is an essential element in the solution of the national problem.” The 1936 Official Program of the Communist International proclaimed:

> The world dictatorship can be established only when the victory of socialism has been achieved in certain countries or groups of countries, when the newly established proletarian republics enter into a federative union with the already existing proletarian republics...[and] when these federations of republics have finally grown into a World Union of Soviet Socialist Republics unifying the whole of mankind under the hegemony of the international proletariat organized as a state.

Owing to the stark departure from nation-centric democratic norms in multilateral agreements like Lisbon, it can be argued that the “social contract” is severed by the European state as it has been currently constructed. A perusal of European treaties like Nice, Maastricht, and now Lisbon will reveal a highly undemocratic system. The clause defining the “primacy of EU law”, which has been compared to the US supremacy clause, could very conceivably be used to overturn historic liberties in the

25 EU nations. In fact, features of Anglo-American common law have been attacked in this way. Significant elements of the Magna Carta were recently overturned with a simple majority vote in the European Parliament, and British leaders were obligated to conform, due to the “primacy” of EU law in criminal matters.\(^{17}\) The social contract that, according to Locke and Hobbes, legitimizes government, cannot endure under such circumstances.

The perverse neglect of the Magna Carta by European overlords is significant in principle, since both the English Declaration of Rights and the Magna Carta expressly prohibit the limitation of guaranteed rights. As the Declaration states: “... the rights and liberties asserted and claimed in the said declaration...shall be firmly and strictly holden and observed as they are expressed in the said declaration...in all time to come.”\(^{18}\) And the Magna Carta: “And we will that if any judgment be given henceforth contrary to the points...of the charters it shall be undone and holden for nought.”\(^{19}\) That such a staunch prohibition on the exercise of illicit power can be frivolously cast aside—by a foreign body no less—should give pause to Americans who think they are safe from the reach of global institutions. America is on the same road, and fast approaching a point of no return.

NAFTA serves as a perfect example of this sobering reality. NAFTA, which was sold as a trade arrangement, has grown into something else, wielding actual power over the United States. In 2001, a NAFTA panel required America to open its borders to Mexican trucks.\(^{20}\)

More recently, a NAFTA panel ordered America to rescind a defensive tariff on softwood lumber initiated in response to Canadian softwood subsidies.\(^{21}\) Americans are told to feel comforted, since NAFTA panels have said they will “consider” the rulings of federal circuit courts when deciding cases.\(^{22}\)


Through international agreements like NAFTA and the World Trade Organization (WTO), panels can overturn unique U.S. laws and privileges. America’s leaders have shown a willingness to comply, making indirect world government a reality. The WTO requires that all present, past, and future laws be in agreement with WTO rules governing trade. This means that, when writing laws, America must bind future generations and implement policies that meet WTO requirements, regardless of whether or not these requirements serve the interests of the United States, or are even constitutional. Such an approach dissolves the social contract that, according to Locke and Hobbes, legitimizes government. As Locke once remarked, “A ruler who violates the law is illegitimate. He has no right to be obeyed. His commands are mere force and coercion. Rulers who act lawlessly… are mere criminals.”

In both Europe and North America, national officials are blatantly ignoring legal and constitutional restrictions on their offices with criminal negligence. In some cases, this disdain for the law extends to the regulatory sphere. In fact, European governments charged with the safety of their people are helpless before an onslaught of regulations that must be implemented without examination.

When the metric system was implemented in Britain in response to EU regulation, British citizens were arrested for continuing to use imperial units in protest, a category of political ‘criminals’ dubbed “metric martyrs” was created. It began when Steve Thoburn was convicted under the Weights and Measures Act for not using weighing equipment that was capable of weighing in the metric system. He fought the case for two years but to no avail. “Metric fascism” became reality in Britain.

The EU even regulates the food choices of its citizens. Recently, the EU Commission attempted to ban an iconic British dish, Peking Duck. Although it eventually reversed

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its decision because of civilian backlash, for weeks Council inspectors roamed the country taping up the special ovens used to make the dish because they did not meet EU carbon emissions standards.

The role of the EU in domestic legislation is staggering. A full 70 percent of new British laws now originate in the EU. The figure for Germany is 84 percent. Can a nation claim to be both sovereign and the protector of its people if a majority of all domestic legislation originates in foreign lands?

**The Beginning of the End for British Sovereignty: American Interventionism**

Tragically, and to the everlasting shame of the United States, America financially and politically pressed European integration, dating as far back as the Marshall Plan.

Beginning with the European Coal and Steel Community and morphing into the European Economic Community (EEC) the planned construction of “Europe” was implemented in stages, with help from the United States.

The internationalist Council on Foreign Relations (CFR) took an active role in the process. William J. Donovan, head of the Office of Strategic Services (precursor to the CIA), future CIA director Allen Dulles, and Walter Bedell Smith, all members of the Council, headed up the American Committee for a United Europe [ACUE], created in 1948. ACUE funded the European Movement, dubbed the most important post-war European federalist organization.

It is relevant to note that Allen Dulles was a major player in the postwar years, one of the chief architects of the CIA, and a strong advocate of eliminating national sovereignty. Many are familiar with his brother, John Foster Dulles, the former Eisenhower Secretary of State and US delegate to the UN founding conference. John Foster Dulles was an international idealist, favoring broad new political arrangements to be achieved via a perversion of the US Constitution’s “supremacy clause.” In his book War or Peace, Dulles wrote, “I have never seen any proposal made for…‘world government’ or for ‘world federation,’ which could not be carried out either by the United Nations or under the United Nations Charter.”28 This remark is particularly chilling when his constitutional philosophy is taken into account. At an address to the American Bar Association (ABA), Dulles gave us a window into his ambitions, saying, “Treaties make international law and also they make domestic law. Under our Constitution, treaties become the supreme law of the land….Treaty

law can override the Constitution. Treaties, for example, can take powers away from Congress and give them to the President…and they can cut across the rights given the people by their constitutional Bill of Rights."29 It seems treason runs in families.

Allen Dulles was of the view that, “There is no indication that American public opinion...would approve the establishment of a super state, or permit American membership of it. In other words, time—a long time will be needed before world government is politically feasible...This time element might seemingly be shortened...by an active propaganda campaign in this country....” Similarly, the CFR, which Dulles actually chaired, in its 1944 report entitled, *American Public Opinion and Postwar Security Commitments*, denounced America’s “sovereignty fetish.” In its own words:

*The sovereignty fetish is still so strong in the public mind, that there would appear to be little chance of winning popular assent to American membership in anything approaching a super-state organization...*

The incipient European Movement was created by the Hague Congress on the Future of Europe. The Congress was attended by pan-European political elites, including past, present, and future Prime Ministers, Presidents, and Parliamentarians. Immediately recognizable names include: future British Prime Minister Harold Macmillan, future Chairman of the European Parliament and French Foreign Minister Robert Schuman, future Italian Prime Minister Alcide de Gasperi, future German Chancellor Konrad Adenauer, and 29 foreign ministers. The conference was chaired by Winston Churchill.30 The Congress was too large and unwieldy to make any concrete decisions, but it did agree on one thing: that a European Movement should be set up to “break down national sovereignty by concrete political action in the political and economic spheres.”31

In 1958, ACUE provided fifty-three percent of the European Movement’s funds.32 These funds were used not only to support the integrationist cause through private sector pressure, but also to intervene in national elections, thereby ensuring that the political process would be dominated by a conglomerate of pro-Europe

politicians. The Movement, for instance, appropriated $10 million to the electoral campaign of Alcide Gasperi, and placed all its resources at the disposal of Britain in Europe (BiE) in preparation for the great debate on British entry into the EEC. The Movement was also behind a highly questionable co-option of the BBC, i.e. journalists were offered “exclusives” to promote the European cause, all under the umbrella of Movement funding. In essence, British journalists were given an incentive to commit treason.

In this way, the Council on Foreign Relations (CFR) supported European political union through the back door. But this did not preclude CFR members from showing their support in more overt ways. At the time, CFR member and US Senator J. William Fulbright co-authored a resolution passed in both houses of Congress stating that, “Congress favors the creation of a United States of Europe.” In his 1964 book *Old Myths and New Realities*, Fulbright proclaimed, “Indeed, the concept of national sovereignty has become in our time a principle of international anarchy… the sovereign nation can no longer serve as the ultimate unit of personal loyalty and responsibility.” The movement towards “Europe” was an attack on sovereignty. The European Recovery Program, otherwise know as the Marshall Plan, originated in a CFR study group guided by CFR members Dean Acheson, Will Clayton, and George Kennan. Through the plan, skeletal European institutions were fashioned, most notably the Committee for European Economic Co-operation (CEEC). From the outset, it was generally accepted that British entry into the EEC would end in only one place: surrender of national sovereignty.

The secretive nature of the Heath-Pompidou Summit—the meeting that took Britain into the EU—prevented the reality from finding its way to the public. The now released Heath-Pompidou Summit papers contain startling revelations. The transcripts are staged as a conversation between Prime Minister Edward Heath and French President Georges Pompidou. One section in particular reveals the underpinning philosophy of those seeking pan-European integration. The section opens with an exchange of pleasantries, but the tone quickly changes. Heath

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wastes no time in trying to prove his willingness to sell out his country, claiming that the British had “always regarded themselves as European.” Heath, almost apologetically, denoted that he was changing British conventions to “bring them in line with the European Community.” Like a man who wishes membership in an elite club, Heath continued, stating that, “Within this world, individual European countries could not hope to exert influence.” The United Kingdom once controlled one-quarter of the Earth’s surface, making this statement somewhat disingenuous. Heath assured his French colleague that he believed influence could only be attained “through a wider unity within Europe.” The Prime Minister “regarded this of particular importance in the political field.” Union was the hidden objective.

A Foreign and Commonwealth Office (FCO) internal document recently released under the thirty-year rule reveals what British officials knew, and when they knew it. Unsurprisingly, the British government was fully aware that membership in the European Union would subjugate British sovereignty, even before the Heath-Pompidou Summit. The document predicted: “we shall be accepting an external legislature which regards itself as having direct powers of legislating with effect within the United Kingdom, even in derogation of United Kingdom statutes, and as having in certain fields exclusive legislative competence, so that our own legislature has none.” The FCO analysts concluded that, “The loss of external sovereignty will however increase as the Community develops, according to the intention of the preamble to the Treaty of Rome ‘to establish the foundations of an even closer union among the European peoples.’” Contrary to common misconception, Britain does not have an unwritten constitution, or an ongoing constitutional convention, i.e. the constitution is whatever the collected body of laws made by Parliament says it is. In Britain, as distinct from the American system, British constitutional law is comprised of a collection of disconnected declarations and charters, which cannot be repealed by statutory instruments, and exist apart from Acts of Parliament. Sovereignty, as defined in these documents, is concentrated in the people, but personified in the monarch.

One such document, the Articles of Religion, which still have legal force, confer upon the Queen non-transferable authority: “The Queen’s majesty…is not, and ought not to be subject to any foreign jurisdiction.” The Act of Supremacy, which has been largely repealed, declared that, “…all usurped and foreign power and authority… may forever be clearly extinguished, and never used or obeyed in this realm.”

38 FCO 30/1048. Public Records Office.
According to the British Treason Act of 1795, treason is defined as any action which “attempts to overthrow or destroy the constitution.” One may wish to avoid the word treason, but it is undeniable that such attempts have become virtually institutionalized within the British government.

In addition to constitutional considerations, joining the Common Market placed grave strain on the British economy, forcing Britain, an outward-looking trader, inside a European tariff wall. This locked out traditional Commonwealth trading partners, and removed traditional British sources of raw materials, which undoubtedly affected British manufacturing and opened the door to a tidal wave of more expensive continental goods and services. Previous prime ministers had been so adamantly against British membership in the Common Market for precisely this reason. British Prime Minister Clement Atlee explained that Britain could not accept that “the most vital economic forces of this country should be handed over to an authority that is utterly undemocratic and is responsible to nobody.”

The Treasury was more blunt, stating that, “It is not in our interests to tie ourselves to a corpse.” Britain at the time was a major player in international steel markets, and a number of British jobs depended on the steel industry. As borne out in the Cabinet minutes of 2nd June 1950:

> Our position was different from that of the other European countries by reason of our Commonwealth connections, and we should be slow to accept the principle of the French proposal...especially as it appeared to involve some surrender of sovereignty.

Apart from attacking the foundations of the British economy, the acceptance of the European project adversely affected Commonwealth countries, dependent on exports to the British market. And after reviewing the minutes of the Heath-Pompidou summit, it is reasonable to conclude that there was never any real intent on the part of Prime Minister Edward Heath and the British delegation to win concessions for historic Commonwealth partners. The Treaty of Rome allowed no real concessions, but only temporary “derogations” for fixed periods of time, at the end of which the member state would have to meet all obligations. The goal was entry at any price, and the price was extremely high.

This would lead Sir Con O’Neill, head of the British delegation, to later describe the essence of British negotiation as, “Swallow the lot, and swallow it whole.”

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O’Neill lamented the Acquis Communautaire, a collection of 13,000 pages of new European laws Britain was obligated to accept in full as a condition of membership. O’Neill would later record that the Acquis “haunted us throughout the negotiations.” According to O’Neill, the enactment of this “inconceivable flood” of new laws “had far reaching implications”:

Everything, beginning with the Treaties themselves, on which any of the three Communities, through any of their institutions, had ever reached agreement in any form, even if it had never been published, was…part of it. And we were asked to endorse, accept and be bound by it all.\(^2\)

The Heath-Pompidou Summit, the full text now available after the expiration of the thirty-year-rule, completed the deed. Even though over half of all New Zealand’s exports went to Britain, only butter and cheese were granted temporary shelter from the Common European Tariff (CET). According to the Agreed Minutes of the Heath-Pompidou Summit, it was said that, “Exports of dairy products from New Zealand will undergo over a period of five years a progressive reduction. . . .”\(^3\) Canada and Australia were given no protection. In exchange for their lucrative trade ties with the United Kingdom, the developing nations of the Commonwealth were given a vague promise of annual aid to be provided under the EEC’s Yaounde Convention. The “Community Preference” also prevented any end-run around the CET, by the use of non-tariff techniques covering agricultural products, raw materials, and manufactures.\(^4\) In respect of the “Community Preference,” Prime Minister Heath undertook “fully to accept the Community and its rules.”\(^5\) The argument that the CET would do little to damage Commonwealth trade was duplicitous at best.

In addition to undermining the Commonwealth trade connection, Prime Minister Heath fully committed Britain to the complete destruction of the Sterling Area, the


\(^3\) Agreed English text of Record of Conclusions of the meetings between the President of the French Republic and the Prime Minister of the United Kingdom held at the Palais de L’Elysee, Paris, on Thursday 20 and Friday, 21 May 1971, 6.

\(^4\) As understood, the Community Preference was a commitment on the part of member states to fully transfer all trade to the EEC. As President Pompidou put it in the context of New Zealand, the Community preference would require a “long period of degression for New Zealand produce eventually running down to zero. . . .” But he was willing to concede a “shorter period of degression culminating in a review. . . .” Although, the President was worried that the level of trade reached after the review would be “permanent.” In short, the Community Preference was unheard of in the history of trade. Never has a nation been asked to divert one-hundred percent of its trade to a singular group of partners.

\(^5\) Record of a Conversation between the Prime Minister and the President of the French Republic in the Elysee Palace, Paris at 15:30 on Thursday 20 May 1971, 1.
financial foundation of the Commonwealth. The Sterling Area was an association of states that fixed their exchange rates at a one-to-one parity internally to facilitate the free flow of goods and services, while preventing large transfers of wealth from one member of the association to another. In that way, it gave members a fair chance to sell their goods in the markets of any of the other members, without encountering an exchange rate barrier. In order to maintain this advantageous system of internal parity, significant exchange reserves of Sterling were held by all member states, known as the Sterling Balances. Consequently, Sterling became a reserve currency.

To French President Pompidou, this was unacceptable. Pompidou was of the mind that “the reserve status of Sterling is incompatible with the Community concept of the equality of Community currencies. . .” 46 Translation: Sterling must be just as unstable as other continental currencies. This was because “no currency should have advantages, whether technical or juridical, over the others.” 47 Pompidou was “profoundly convinced that the role of sterling as a reserve currency was a relic of the British Empire. . .” 48 Pompidou was certainly not opposed to maintaining his own imperial relic, the Franc Zone. Pompidou, in the hypocritical French model, placed the Franc Zone above reproach, saying that the members of the Franc Zone did not receive a “dollar guarantee,” 49 and were not required “to hold any proportion of their reserves in francs.” 50 Pompidou demanded that as a condition of British entry, Britain “run down these balances.” 51 Heath agreed.

In Britain’s case, membership meant a complete severance of Commonwealth ties as a test of establishing new loyalties. After the summit, the system that had worked for over a century was capriciously discarded, and countries that thirty years earlier had sent four million men to die for British liberty, were issued a crude ultimatum: find other markets.

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46 Record of a Conversation between the Prime Minister and the President of the French Republic in the Elysee Palace, Paris on Friday 21 May 1971, at 10:00 AM, 11.
47 Record of a Conversation between the Prime Minister and the President of the French Republic in the Elysee Palace, Paris at 10:00 on Thursday 20 May 1971, 14.
48 Record of a Conversation between the Prime Minister and the President of the French Republic in the Elysee Palace, Paris on Friday 21 May 1971, at 10:00 AM, 11.
49 Record of a Conversation between the Prime Minister and the President of the French Republic in the Elysee Palace, Paris on Friday 21 May 1971, at 10:00 AM, 12.
50 Ibid., 16.
51 This is now known to be an artificial cause of the Sterling Crisis at the beginning of the seventies.
For Britain, Commonwealth trade was not merely a gesture of good will, but contributed significantly to Britain’s overall economic capacity. This fact flies in the face of the notion that empire was somehow a liability that must be shed to regain prosperity. Empire was Britain’s prosperity.

Due to the release of previously unseen declassified materials, it is clear that Heath believed he was doing something that in the long run, would yield massive benefits for Britain, hence justifying the lies and treachery. As he said, “We resolved that we should assume our obligations gradually, because too large a contribution at the beginning, before the dynamic benefits of membership had come through, would have damaged both Britain and the Community as a whole.”

Heath clearly believed that the ends justified the means.

Fifty years later, with the passage of the Lisbon Treaty, the results of European incrementalism can be observed. Sovereignty is dead. Nations in Europe are no more. Freedom is a question for bureaucrats.

The European Union is now empowered to make treaties without consulting member states, mobilize national militaries without national declarations of war, control the use of national militaries for non-European objectives, and determine the rights of the accused in criminal proceedings. In essence, Lisbon has nullified the historic “special relationship” between America and the UK.

As the agreement says, “The Union’s competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union’s security, including the progressive framing of a common defense policy that might lead to a common defense.” The new pan-European High Representative of the Union for Foreign Affairs and Security Policy now commands the largest collective military force in the region.

Borders are no longer an issue, because Lisbon “solves” immigration problems by “ensuring the absence of any controls on persons, whatever their nationality, when crossing internal borders.” The common immigration and asylum policy will only exacerbate Europe’s growing “Islamic problem” which is already felt from Barcelona to Berlin. The loose European work permit structure has permitted thousands of immigrants to hop in the Chunnel and seek work in the UK.

Even voting rights have been circumvented. Lisbon contains provisions granting foreigners the right to vote and stand in elections in nations not their own, so long as they are Europeans. Should Germans represent British citizens? With no authentic
collective interest, this development promises to separate citizens from their leaders and neutralize political accountability, again raising problems for the “social contract.” Even U.S. states don’t allow non-residents to stand in local elections.

The exercise of British sovereignty today is a mere formality, as all European law and regulation is “binding in its entirety,” leaving to the national authorities only “the choice of form and methods.” This dynamic was understood well by British leaders when negotiating EU entry. The Foreign Commonwealth Office enlightens:

In the case of action by way of Regulation there is, once the Regulation has been made, no room for Parliamentary action (other than, possibly, to supplement the Regulation or mere debate). Generally speaking Parliament must take the Regulation as it stands, and while with Regulations made by the Council, a United Kingdom Minister (who is subject of course to Parliamentary pressure) will take part in the proceedings leading up to adoption of this Regulation, this is not the case with Regulations made by the Commission.53

Consistent with its calling card, the new regional government has quickly acquired very fascist overtones, since any national opposition permitted to go unchallenged could develop into a domino-like evacuation of the EU, which would undo fifty years of toil and anguish. [This would undoubtedly be the case, as polls indicate growing anti-EU sentiment in many member states.] Examples of growing Euro-fascism include the recent use of political sanctions against Austria in 2000, i.e., the suspension of the member state’s voting rights, for the legal and nonviolent election of an anti-European Union President.54 Imagine the state of Virginia being told that it would no longer have a voice in the House of Representatives until it agreed to a specific piece of legislation. It is what amounts to institutionalized blackmail, except that in this case the ultimatum condemns entire nations to despotic rule.

The Austrian sanctions were quietly dropped when pushback from contending members of Economic and Monetary Union (EMU) threatened to halt further integration in the monetary spheres, key if eventual full political integration is to come about.55 In another instance, an EU Commissioner, the equivalent of a cabinet

member, was fired for an unfavorable treatise on the EU project. The action was justified on the grounds that the Commissioner’s book was “aggressive, derogatory, and insulting.”

With no First Amendment, European liberties like free speech can be legally suppressed.

In point of fact, the European Union has formal procedures for limiting liberty. The Charter of Fundamental Rights, long resisted by some member nations due to the large seizures of individual liberty inherent in the document, contains a provision that reads: “Limitations [on individual liberty] may be made … if they are necessary and genuinely meet objectives of general interest recognized by the union or the need to protect the rights and freedoms of others.”

In other words, liberty is on the negotiating table.

The degradation of liberty has already begun. Lisbon comes complete with a European justice system, replacing centuries of Anglo-Saxon common law with the Code Napoleon -- i.e., guilty until proven innocent. European courts can now kidnap innocent British citizens to stand trial in foreign lands by way of the new European Arrest Warrant (EAW). In 2010 alone, over 1,000 Britons were arrested and extradited under the EAW. Was not extradition one of the reasons for the American Revolution?

Even before the EU Charter of Fundamental Rights was ratified by many European states, the European Court of Justice, once merely a forum for states to resolve trade disputes, informed citizens that it would begin reviewing national laws to see if they were compatible with the Charter. The European Court of Justice has become a virtual Supreme Court, striking down national laws and changing local cultures and identities to arbitrarily conform to EU guidelines. In the United States, courts operate within defined constitutional limits, and Congress can restrict the jurisdiction of the courts. European courts exist in a vacuum, with more and more


60 For example, the judgements in Case C-33/74 (Van Binsbergen), Case C-130/75 (Prais) or Case C-118/75 (Watson).
judicial sovereignty migrating to the center, at the expense of national sovereignty. Britain, closest in philosophical foundation to the United States, is frequently at the losing end of this trend.

In I v. United Kingdom, the European Court of Human Rights used the non-ratified Charter to justify its argument that the modern understanding of marriage—as a man and a woman—had changed. European courts have on “several occasions discovered or stipulated inherent rights,” even when they conflict with national constitutions. This evolutionary system of rights gives the ECJ and other institutions of European jurisprudence free license to mold liberty according to its whims. 61 Consider the parallel examples of I v The United Kingdom and Christine Goodwin v. The United Kingdom, both overturning UK laws on transsexuals:

Since the Convention is first and foremost a system for the protection of human rights, the Court must have regard to the changing conditions within the respondent State and within Contracting States generally and respond, for example, to any evolving convergence as to the standards to be achieved. 62 It is of crucial importance that the Convention is interpreted and applied in a manner which renders its rights practical and effective, not theoretical and illusory. A failure by the Court to maintain a dynamic and evolutive approach would indeed risk rendering it a bar to reform or improvement. 63

The Court proposes therefore to look at the situation within and outside the Contracting State to assess ‘in the light of present-day conditions’ what is now the appropriate interpretation and application of the Convention. 64

The broad power allocated to unaccountable European judicial organs has made liberty a question for judges. As the self-same European Court of Justice has ruled: “...it is well established in the case law of the Court that restrictions may be imposed on the exercise of fundamental rights, in particular in the context of a common organization of the market, provided that those restrictions in fact correspond to objectives of general interest pursued by the Community...” 65 The rights of the individual have arguably been subordinated to the collective interests of the state.

61 See for example Articles I-2, I-3, I-4, I-7, II-52, II-53 and the Preambles to the Constitution and the Charter.


63 See the above-cited Stafford v. the United Kingdom judgment, § 68.

64 See the Tyrer v. the United Kingdom judgment of 25 April 1978, Series A no. 26, § 31, and subsequent case-law.

65 CIG 86/04 ADD 2, at p. 61
Within this context, it can be said that fundamental rights are fundamentally in danger. Article II-2(2) of the Charter, which allegedly guarantees the right to life, relies upon Protocol 6 of the European Convention on Human Rights, which predates the EU-spawned Charter. This is significant, since Protocol 6 permits the death penalty in time of war, in express violation of the subsequently ratified Protocol 13, which bans the death penalty in all cases. These actions reveal that the EU maintains a view of human life that is different from national constructions. The EU certainly has no qualms funding experimentation on human embryos, even though the European Commission acknowledged, “Opinions on the legitimacy of experiments using human embryos are divided according to the different ethical, philosophical, and religious traditions in which they are rooted. EU Member States have taken very different positions regarding the regulation of human embryonic stem cell research.” Human life must be protected or not protected, but permitting any degree of subjectivity to enter definitions of a right so basic could allow the organized destruction of life to proceed at some future date. The mere possibility can only be precluded with unwavering, non-subjective definitions of human life.

And as long as British liberty is subject to the whimsical definitions of European judges, as evidenced above, tyranny will grow ever more certain.

If the British Constitution were simply followed, the rights and liberties of the British people would be placed above reproach. Recall that the collective body of documents comprising the British Constitution nullify government-imposed limitation of liberty. Even if a government were technically successful in achieving limitations on liberty, the corresponding action would be immediately void, as mandated by the English Declaration of Rights of 1689, and the Magna Carta itself. As explained earlier, the Declaration requires that, “…the rights and liberties asserted and claimed in the said declaration…shall be firmly and strictly holden and observed as they are expressed in the said declaration…in all time to come.” But are not rights merely words on paper if the people are not vigilant in their defense? The Magna Carta contains actionable measures designed to thwart despotic machinations.

The British House of Lords, far from being a pampered group unsuited for modern democracy, have a constitutional role in preserving the “ancient and indubitable rights” of the people. The Magna Carta charges a quorum of twenty-five lords with the defense of the people’s rights. Under Magna Carta, “five and twenty barons of the kingdom…shall be bound with all their might, to observe and hold, and cause to be observed, the peace and liberties we granted and confirmed….” This is why there is such danger in the proposed reforms of the current government. The current proposal to abolish the right of hereditary peers to vote in the House
of Lords would arguably remove the last check against usurpation of the people’s liberty, as a unicameral legislature would afford the greatest opportunity for absolute majority rule. Additionally, the peers of first creation, bereft of real power and not constitutionally bound by any such requirement, would be all that remain.

The British Monarch is also charged with specific responsibilities towards the people’s liberty: “And if we shall not have corrected the transgression…those five and twenty barons [the House of Lords] shall, together with the community of the whole realm, distain and distress us [the Monarch] in all possible ways, namely, by seizing our castles, lands, possessions…until redress has been obtained as they deem fit….” What better way to guarantee the survival of freedom than to threaten the financial destruction of the Monarch? The Queen’s role in the constitutional process is no less important today than it was six-hundred years ago, although benign neglect has gradually eroded the connection between popular liberty and royal trusteeship.

Considering these facts, it can be concluded that British membership in the EU violates British law on more than one count; in fact membership of the EU fails many constitutional tests, the biggest one being that no law can eviscerate the power of any one of the constituent branches of government. The English Bill of Rights affirms this principle: “…the said Lords…and Commons, being the two Houses of Parliament, should continue to sit and …make effectual provision for the settlement of the …laws and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted…the particulars aforesaid shall be firmly and strictly holden and observed…and all officers and ministers whatsoever shall serve their Majesties…in all time to come.” Ministers are not permitted to exercise the functions of Parliament, nor is Parliament permitted to transfer its powers. By this standard, reform of the House of Lords is not only unconstitutional if it will remove checks on power, but unconstitutional on the grounds that it changes constitutional relationships set in proverbial stone, as these documents are not Acts to be made and repealed by Parliament, but declarations of the most revered type, part of British Common Law, which lasts as long as custom and tradition permit.

If ignorance of the law prevails, then it is as if there is no law, no overarching benchmark mitigating against these oppressive moves.
Conclusion

The long train of abuses and usurpations visible in the European project serve to confirm a stark political reality: the EU doesn’t merely have a democratic deficit as some have suggested. It is by all measures, entirely undemocratic.

As was learned after a century of global conflict with the Soviet Union, once people have power, they have no incentive to give it back. Ideologies like Communism that have abandoned the Judeo-Christian ethic, which teaches reverence for personal property, have no ethical considerations demanding self-restraint. In such paradigms, the state is all, and nothing is above the state. No organization founded on the assumption that power comes from the state will protect liberty, because what law gives it can take away. This is Locke 101. If there is one thing history has taught the western world, it is that government cannot be granted unlimited power on the basis of promises that it will be used for the common good. Many Europeans have died to defend this principle.

The end of nationhood in Europe offers a stern warning for the United States, because many of the same individuals involved in the creation of “Europe” are active in the United States, and to destroy the US they won’t need another fifty years.

Foreign courts are already claiming original jurisdiction in the United States, granting American courts only secondary review. As with the EU project, cases that deal with civil liberties will not be far off. Recall that the European Court of Justice began as a trade court.

Sovereignty is a one-way street. It can be regained only through enormous bloodshed. Those who ignore this truth are either ignorant, or after something.

Accountability is what makes the American system work. Remove this accountability, and men do what men do: seek power. Sadly, for many Americans, loss of sovereignty and the resulting loss of freedom are not a very big cause for concern. There is no immediacy, no sense of urgency about the issue. Some may even be asking, “What would be the problem if a small group of wise men decided the fate of millions the world over?”

Noted diplomat and statesman Zbigniew Brzezinski proposed just such a system. Of course, similar approaches have been tried before, and the fate of similar trusting millions has been death. Americans simply do not perceive the threat to national sovereignty as something tangible. No armies are marching down American streets. How can America be in danger? One glance across the pond provides a sure answer: if the legal foundation rooted in national sovereignty that protects
individual liberty is successfully undermined, no swords or armies will be necessary, and a small group of self-appointed “betters” can rule in the place of duly elected and legally limited representatives.

Beyond the surface issues, the ultimate rationale for the surrender of national sovereignty revolves around a flawed premise, namely that nationalism or patriotism is evil and is the primary cause of global conflict. Logically, if nations are removed from the world stage, conflict should cease. But this is false logic. The argument falls apart when it is considered that no democratic nation has ever fought against another democratic nation. Nonetheless, the European Union depends upon this flawed logic. But pride in being British, German or French is not “extreme nationalism” or “saber-rattling” that must be tamed by regional governance. This is an over-simplistic misrepresentation of history. The cause of WWI, for example, was a ridiculous network of alliances poised in reactionary camps. WWII was caused by the lack of international response to a megalomaniacal, imperialistic dictator when he was weak and could be stopped. The destruction of nationhood was an aim of Nazism and Communism. The preservation of nationhood is what guarantees liberty.

Americans are part of the travesty now consuming nations and liberty in Europe. America must be a part of the solution. Any meaningful solution will necessarily begin with resistance to similar integrationist designs in North America. Only then can America regain the clout necessary to lift oppression abroad.

It should be remembered that the political cultures of America and Britain are inextricably linked. American allies with shared assumptions are few. Consequently, America needs Britain. Britain has been systematically torn down, and very little hope remains that British sovereignty in its entirety can be reclaimed in the present generation, though the work being done to educate average citizens by the Bruges Group and other laudable think tanks has done much to move things in the right direction. The loss of British independence is a strategic disaster of manifold proportions for American security at a time when America is practically alone in the War on Terror. As such, America must do all in its power to help Britain reclaim its independence, instead of encouraging further integration with the oppressive machinery of the European continent, which decidedly does not share British and American preferences for global liberalization. The battle will not be easy, and will require determined, concerted effort on the part of citizens. Stopping short at mere words will be insufficient to the task of reclaiming something so precious as British or American sovereignty. To quote the Lion himself, “We have before us an ordeal of the most grievous kind. We have before us many, many long months of struggle
and of suffering. You ask, what is our policy?...I can answer in one word: It is victory, victory at all costs, victory in spite of all terror, victory, however long and hard the road may be... we shall never surrender....”

John Locke and Thomas Hobbes speak from the grave: sovereignty is an essential element of liberty. One cannot exist without the other. Therefore, those seeking to protect liberty must work to preserve national sovereignty.
THE BRUGES GROUP

The Bruges Group is an independent all-party think tank. Set up in February 1989, its aim was to promote the idea of a less centralised European structure than that emerging in Brussels. Its inspiration was Margaret Thatcher’s Bruges speech in September 1988, in which she remarked that “We have not successfully rolled back the frontiers of the state in Britain, only to see them re-imposed at a European level…”. The Bruges Group has had a major effect on public opinion and forged links with Members of Parliament as well as with similarly minded groups in other countries. The Bruges Group spearheads the intellectual battle against the notion of “ever-closer Union” in Europe. Through its ground-breaking publications and wide-ranging discussions it will continue its fight against further integration and, above all, against British involvement in a single European state.

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The Bruges Group holds regular high-profile public meetings, seminars, debates and conferences. These enable influential speakers to contribute to the European debate. Speakers are selected purely by the contribution they can make to enhance the debate.

For further information about the Bruges Group, to attend our meetings, or join and receive our publications, please see the membership form at the end of this paper. Alternatively, you can visit our website www.brugesgroup.com or contact us at info@brugesgroup.com.

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