

Article II - Organization of the Legislative Branch

Section 1- Setting up the European Congress

1. The Legislative Branch of the European Federal Union lies with the European Congress. It consists of two Houses: the House of the Citizens and the House of the States.
2. The European Congress and its two separate Houses take residence in Brussels unless the Houses agree on a different residence within the territory of the European Federal Union.

Section 2 - The House of the Citizens

1. The House of the Citizens is composed of the **delegates** of the Citizens of the European Federal Union. Each **delegate** has one vote. The **delegates** ~~members~~ of this House are elected for a term of **five** years by the Citizens of the Federation who are qualified to vote, united in one constituency, being the constituency of the European Federal Union. They can be re-elected **once** in succession. The election of the **delegates** of the House of the Citizens always takes place in the month of May, and for the first time in the year 20XX. They enter office at the latest on June 1st of the election year.
2. The size of the House of Citizens will follow the political and demographic development of the European Federal Union, based on a ten-year census cycle. If the population of the Federation does not exceed four hundred million, the House of the Citizens will consist of four hundred **delegates**. When the population is between four hundred and five hundred million, the House of the Citizens will consist of five hundred **delegates**, and when the population exceeds five hundred million inhabitants, it will consist of six hundred **delegates**.
3. Subject to rules to be established by the House of the Citizens on requirements of competence and suitability for the office of **delegate** on behalf of the Citizens of the European Federal Union, are eligible those who have reached the age of twenty five years and are registered as Citizen of one or more States of the Federation during at least seven years. **Appendix II A, regulating the process of acquiring the required competence and suitability, is an integral and thus mandatory part of the constitution, although not subject to the rules of constitutional amendment.**
4. **The House of the Citizens shall organise once a year a multi-day meeting with panels of Citizens to gather information on how to improve the realization of the Common European Interests as envisaged in Article III. The law shall determine how the Citizens' panels are composed and how they shall operate, considering that Citizens from each Member State will participate in these panels and that the outcome of these meetings will**

actually improve and strengthen the policies on the Common European Interests.

5. The **delegates** of the House of the Citizens have an individual mandate. They carry out this office without a binding mandate, in the general interest of the Federation. This mandate is incompatible with any other public function.
6. The right to vote in elections for the House of the Citizens belongs to anybody who has reached the age of eighteen years and is registered as a Citizen in one of the States of the Federation, regardless of the number of years of that registration. Citizens of a State of the Federation who are legally resident in another State of the Federation can vote for the House of Citizens in their State of residence.
7. The House of the Citizens choose their Chair, consisting of three **delegates** of the House, with the right to vote, and appoint their own personnel.

Section 3 – The House of the States

1. The House of the States is composed of nine **delegates** per State. Each **delegate** has one vote. They are appointed for a term of five years by the legislature of their State among its members. They can be re-appointed **once** ~~twice~~ in succession. The first appointment of the full House of the States takes place within the first five months of the year 20XX. They enter their office at the latest on June 1st of the year of their appointment.
2. Subject to rules to be established by the House on requirements of competence and suitability for the office of **delegate** on behalf of the States of the European Federal Union, are eligible as **delegate** those who have reached the age of thirty years and who have been registered for a period of at least seven years as a Citizen of a State of the European Federal Union. **Appendix II A is equally applicable.**
3. **The House of the States shall organise once a year a multi-day meeting with panels of delegates of the parliaments of the Member States to gather information on how to improve the realization of the Common European Interests as envisaged in Article III. The law shall determine how these panels are composed and how they shall operate, considering that delegates from each parliament of the Member State will participate in these panels and that the outcome of these meetings will actually improve and strengthen the Common European Interests.**
4. The **delegates** of the House of the States have an individual and non-binding mandate that is exercised in the general interest of the Federation. This mandate is incompatible with any other public function, including an incompatible membership of the parliament that appointed them as **delegates** of the House of the States.
5. The Vice-president of the European Federal Union chairs the House of the States. He or she has no right to vote unless the votes are equally divided.

6. The House of the States elects a Chairperson pro tempore who in the absence of the Vice-president, or when he or she is acting President, leads the meetings of the House. The House appoints its own personnel.
7. The House of the States holds the exclusive power to preside over impeachments. In case the President, the Vice-president or a **delegate** of Congress is impeached the House of the States will be chaired by the Chief Justice of the Court of Justice. In case a **delegate** of that Court is impeached the President will chair the House of the States. No one shall be convicted without a two third majority vote of the **delegates** present.
8. Conviction in cases of impeachment shall not extend further than the removal from office and disqualification from holding any office of honor, trust, or salaried office within the European Federal Union. The convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

Section 4 - The European Congress

1. The European Congress is the gathering of the House of the Citizens and the House of the States in joint session and is presided over by the Chair of the House of the Citizens.
2. The time, place, and manner of electing the **delegates** of the House of the Citizens and of appointing the **delegates** of the House of the States are determined by the European Congress.
3. The European Congress convenes at least once per year. This meeting will begin on the third day of January, unless Congress determines a different day by law.
4. The European Congress settles Rules of Proceedings for its manner of operating.

Section 5 - Rules of Proceedings of both Houses

1. Each House settles Rules of Proceedings, by majority of its **delegates**, as to their specific fields of competence. They regulate what subjects require a quorum, which quorums are applied, the majority requested save is otherwise provided in the constitution, how the presence of **delegates** can be enforced, what sanctions can be imposed in case of systematic absence, what powers the Chairperson in order to restore order and how the proceedings of meetings and counted votes are recorded.
2. The Rules of Proceedings regulate punishment of **delegates** of the House in the case of disorderly behavior, including the power of the House to expel the **delegate** permanently by a two third majority.
3. During meetings of the European Congress no House may adjourn for more than three days without the consent of the other House, nor may it move its seat.

*Section 6 – Compensation and immunity of **delegates** of Congress*

1. The **delegates** of both Houses receive a salary for their work, determined by law, to be paid by the Treasury of the European Federal Union.
2. The rule on the immunities of both Houses are determined at the level of the European Federal Union. The **delegates** of both Houses are in all cases, except treason, felony, and disturbance of the public order, exempted from arrest during their attendance at sessions of their respective House and in going to and returning from that House. For any speech or debate in either House they are not to be questioned in any other location.

Section 7 – The Federal Court of Justice, the Federal Central Bank and the Federal Court of Auditors

The European Congress establishes by law The Federal Court of Justice, the Federal Central Bank and the Federal Court of Auditors and regulates their powers.

Explanatory Memorandum of Article II

Explanation of Section 1

It is a deliberate choice to include the words 'Organization of ...' in the title of Article II because Sections 1-6 of Article I of the US Constitution deal with organizational/institutional aspects, while its Sections 7-10 deal with competences. It is better to split those two topics. Our Article II deals only with the organizational/institutional aspects of the legislature. Article III deals with competences.

Clause 1 implies that the European Congress has the same position as the US Congress: the assembly of both Houses at the same time. Only the Congress has legislative power. But there are some nuances to this principle. The President has a kind of derived legislative power in the form of 'Presidential Executive Orders'. These are regulations of a lower order than the formal legislative power of Clause 1. Furthermore, these Executive Orders must be traceable to that legislation of Congress. Another nuance is that the US Supreme Court has ruled several times that Congress can delegate legislative power to federal agencies.

In Clause 2, we opt for Brussels as the seat of both Houses of the European Congress, but with the reservation that the European Congress may decide to choose another location. The reason is that it is uncertain whether Belgium will be among the initial members of the European Federal Union. And, in any case, the

European Congress must have the power to choose another location within the federal territory.

Few constitutions specify the location without a way for the assembly to move itself within the nation, even if they specify a capital. E.g., the Swedish constitution does name Stockholm as its capital, but allows for the parliament to decide to move elsewhere. The US federal government is in Washington, DC, because of the Residence Act of 1790, not the constitution.

Congress should decide freely such matters when constituting itself. The peoples' **delegates** might even think it proper to mark the transition to a new paradigm of European history by moving the seat of European Congress to a new location altogether. Like Brazil's Brasilia, or Indonesia's plan to move the capital from Java to the island of Kalimantan, one could even imagine a future new administrative capital, located geographically in the center of our Continent, named 'Europa', taken from Greek mythology about Princess Europa and symbolized by a statue of this Princess?

Explanation of Section 2

The federation is a meritocratic organization, dealing with judicial-moral issues.

In Clause 1 we don't follow the American Constitution. First, our choice to have one constituency for the whole Federation; no elections for the House of the Citizens per State, as is the case in America and also in the EU. This constitution opts for voting for the whole Federation: one constituency of the countries belonging to the territory of the federation. So, a Slovakian will be able to vote for a Belgian, an Irishman, a Cypriot, a Spaniard, a Dutchman, et cetera. This single federal constituency will give rise to transnational political parties. Only through a single constituency for the European Federal Union can a direct - uniting - relationship be established between Citizens and their **delegates**. Thus, **delegates** of the House of the Citizens are representing the citizens' European-interests, not the citizens' state- or district-interests.

The Americans' main objection to a single American constituency (instead of their present system of electoral votes per district/state) has been based on the fear that the population of the most densely populated cities and areas would gain more influence than the inhabitants of rural areas. Although we understand why and how a district/state-based election system was designed in the first years of the American constitution, this must be seen as a first-class methodological error. An error in the sense that the essence of a federal state - namely, to look after common interests that transcend state interests - cannot be represented by an electoral system based on local, regional, and state interests. Such concerns

belong to the competences of the states and their components. A federation is only there to look after common interests that cannot (any longer) be looked after by individual states.

The choice at the time resulted in the weakest element of the American political system. Elections based on districts de facto led to a two-party system. In practice, this meant that the loser's voters were not represented. The adage 'the winner takes all' led to an unprecedented power struggle in which both parties did not - and still do not - hesitate to use any means to gain and keep power. During the Trump era, this reached an all-time low. Now, in the post-Trump era, numerous Republican-controlled states have passed laws that further impede the other party's ability to gain power through elections. Including measures to prevent - or make it very difficult for - certain populations, particularly people of colour, from casting a vote. This is supported by Gerrymandering; that is, periodically adjusting the boundaries of districts in such a way as to guarantee electoral gains for the party that was authorised to adjust the boundaries. This process is further driven by PACs: Political Action Committees that use many millions to influence the election campaign in favour of one of the two parties.

It should be mentioned that in America, too, the pernicious nature of this system has long been recognised. Since 1800, over 700 proposals to reform or eliminate this system have been introduced in Congress. However, amending the constitution in this way always failed. Nevertheless, as of June 2021 fifteen states plus the District of Columbia (Washington) forged the National Popular Vote Interstate Compact. They agreed to give all their popular votes to the presidential candidate who wins the overall popular vote in the fifty states and the D.C. This agreement comes into effect when they gather an absolute majority of votes (270) in the Electoral College. This plan, of course, meets with legal objections and will have to prove itself at the next elections. However, it is an important signal for Europe never to make the same methodological mistake of basing federal elections on a district/state system. How the UK's district system with the dominance of one party could have led to Brexit says it all.

Such a system is a fundamental error seen from the essence of a federal organisation. The Citizens at the base of society vote for local, regional, and national interests in their own local, regional, or national elections. So, on the basis of their own systems. A federal Europe is not allowed to interfere with this. Federal elections are about European interests. The **delegates** of the House of the Citizens are not **delegates** of a district, nor of a state, but of the European citizens. That requires an electoral system that is suited to this. A system that makes it possible for Citizens at the basis of society to understand that they have to give substance to a small, limitative list and exhaustive of common European interests. This leads

to a fundamental rejection of district and state elections and the introduction of a system of popular voting for the territory of the entire federation.

This is new and therefore difficult to implement. But that is the task we face. It is especially difficult for transnational political parties. There are already some such parties, but the EU system forces them to raise their profile within the state in which they have registered as political parties. That is, their electoral lists for intra-state positions or for the European Parliament must include only persons from the state concerned. Being registered in several states does not make them transnational, yet. They only become transnational when they are allowed to propose candidates - adhering their values or ideology - for the House of the Citizens from any member state of the federation.

In a federal Europe based on popular voting within one constituency - the territory of the federation - political parties will have to reinvent themselves. Just as a federal Europe says fundamentally goodbye to a treaty-based Europe, so transnational political parties will have to devise completely new methods and techniques to put the best candidates on election lists and ensure that federal elections are about European interests, fully understood and supported by the Citizens. While preserving their own local, regional, and national cultural identity, it should help Citizens to slowly acquire a European of togetherness as well.

So, the electoral system of this constitution is based on the so-called list system: (a) each transnational political party deposits a list that ranks eligible persons, (b) voters vote for the list of their choice and thus simultaneously for a person. The electoral divide determines how many votes a candidate needs to win a seat. Example of an electoral divide: if ten million valid votes are cast for one hundred seats, the electoral divide is $10,000,000:100 = 100,000$ votes. This number of votes is needed for one seat; this is the electoral divide.

The political parties themselves decide who will be on the electoral list. Whether there is an (un)balanced representation of the States in the House of the Citizens of the European Federal Union depends on how the political parties compile their electoral lists. The political parties can prevent small Member States of the European Federal Union from having no or very few **delegates** in the House of the Citizens. They should put good candidates from such States on electable positions.

In America, **delegates** of the House of Representatives only sit for two years. Why do we opt for five years for the European House of the Citizens? The reason is: the democratic deficit of the European Union, which has been criticized for years, can only be compensated by giving the Citizens' **delegates** a central role. The EU-

states, with their nationalistically driven interests of intergovernmentalism, have deprived the representation of the Citizens of its powers for too long.

Moreover, we do not consider it right to send the **delegates** of the House of the Citizens on an election tour every two years. When they have just settled in, they would have to go out again to secure their next election. In the European Federal Union, they can devote the better part of five years to looking after the common European interests of the Citizens, rather than the interests of their re-election. We do want to limit the number of terms to **two**. So, a maximum of **ten** years in the House of the Citizens. In this way we can prevent the quality of the work of representation from deteriorating as a result of the concentration of power, laziness, or excessive influence from lobbyists.

Clause 2 introduces the concept of 'dynamic sizing'. The population of the Federation will fluctuate for a long time. For this reason, it is not wise to fix the number of Citizens' **delegates** in the House of the Citizens. The number of **delegates** of that House should be as balanced as possible with the size of the people. That size will fluctuate with the expected growth of the number of Member States (a political matter); it can decrease because of structural shrinkage of the population or increase by an influx from immigrants (a demographic matter). Therefore, a clear and manageable arrangement has to be made between fluctuations of the population on the one hand and a corresponding size of representation on the other. Clear, by using numbers to show that relationship. Manageable, by working with a census cycle of ten years. In this way, the constitution does not have to be amended if the size of the federation's population fluctuates.

In Clause 3 we are introducing another revolutionary rule. Though political parties are free to choose the candidates they want to stand for election, Clause 3 extends the system of checks and balances by regulating requirements for acquiring the political office. Checks and balances are the most powerful defense mechanism against undemocratic rule. But on the issue of eligibility, there is no check on whether a candidate has the right competence and suitability to perform the most important political office in the federation: representing the Citizens. Citizens want to be represented by competent and suitable persons. We cannot leave the selection of candidates entirely to the political parties because they will always maximize their power in the fight for the political values they cherish. If anywhere in the constitutional and institutional system a place must be reserved for Citizens to have influence, it is at the front of the door where **delegates** want to enter the House of the Citizens.

Therefore, Clause 3 regulates that the House of the Citizens lays down rules on the competence and suitability of candidates for membership of that House. This is a mandate for political parties to put on the electoral list candidates who are thoroughly familiar with the fundamentals of the political office, the most important office in the world. So, this task for transnational political parties - in their role as gatekeepers - requires a total change in mindset, selection and training of the candidates deemed necessary for that political office.

Appendix II A , being integral part of the Constitution but not subjected to the constitutional amendment procedure, provides insight to the House of Citizens on the content of the rules to lay down the competence and suitability of candidates for becoming delegate of the Citizens. It implies a fundamental influence in terms of direct democracy of the Citizens to ensure that candidates for the House of Citizens have excellent knowledge and suitability for political office.

Clause 3 regulates further that are eligible those who have reached the age of twenty five years and are registered as Citizen of a State of the Federation during at least seven years. The age 'twenty five' corresponds to the practice in EU countries: 25 in Italy, Cyprus, Greece, and Lithuania, 23 in Romania, 21 in Bulgaria, Czech Republic, Estonia, Ireland, Latvia, Poland, Slovakia, 18 in all other states.

The earlier mentioned list-system is also ideally suited to promoting gender equality. If each political party draws up its list of candidates in the alternating gender-to-female ratio, the composition of the House of the Citizens will, by definition, approach the 50% female-to-male ratio.

The constitution does not provide for by-elections for **delegates** of the House who leave office early. We propose that the list system should include a system of deputies.

Then there is the question: 'How can a German know whether to vote for a Luxembourger or a Cypriot?' That is a non-issue. He does not need to know, because the European Congress is not about German or other national interests, but about European ones. He just needs to have confidence in the transnational political party of his choice. And thus, the confidence that that party will put the best candidates, well distributed over the entire Federation, on electable positions on the list.

Clause 4 introduces another form of direct democracy by an obligation on the part of the House of Citizens to organise annually multi-day Citizens' Panels. These are aimed at systematically collecting the views of expert panels on

how the legislation of the House should be improved in order to strengthen the policy on the Common European Interests addressed in Article III. The composition and working methods of those panels shall be laid down by law.

In Clause 5 of this Section 2 is explicitly stated, as in the American and Swiss Constitutions, that the **delegates** of the House of the Citizens exercise a mandate to be accountable only to those European Citizens. Their mandate is also exclusive - that is to say, they may not exercise any other public function, office, or mandate, at any level of government; in this way we prevent conflicts of interests and the concentration of power.

Clause 6 does not need further explanation.

Clause 7 is explained as follows. No such position of power - the Chair of the House - should be in the hands of one single person. Neither in an economic-financial democracy, nor in a social-cultural sociocracy, nor in a judicial-moral meritocracy. Power corrupts, and lots of power corrupts a lot; it is not impossible to corrupt a college of three people, but it is far easier to find out!

Representation Overseas Countries and Territories (former colonies)

There is one more important aspect to deal with. In the context of representation attention must be paid to the position of territories which, after the abolition of colonial status, still maintain a legal link with the former colonizer. Let's check first the situation in the USA.

In addition to the 435 voting **delegates** of the US House of Representatives, there are six non-voting **delegates** from the District of Columbia (= D.C. with the federal capital Washington), Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and a resident commissioner from Puerto Rico. The European Federal Union takes the following position.

Brussels - or any other location of the European Congress - is the constitutional capital of European Federal Union, but not, like Washington in the District of Columbia, a territory with its own constitutional status that justifies (non-voting) membership in the House of the Citizens. Therefore, no separate seat for 'Brussels' in the European House.

Another question is what status the so-called Overseas Countries and Territories should have, legally linked to a Member State of the Federation: France, the Netherlands and Denmark. Their associate membership of the European Union is very similar to that of the six territories mentioned above that are **delegates** of the US House of Representatives without voting rights. We therefore recommend that

these Overseas Territories also be given such a status in the House of the Citizens: membership without voting rights. Of course, this leaves us with the question: how many delegates per territory and who chooses or appoints them? This could be dealt with in a simple way: the Member State concerned organizes an election for one non-voting **delegate** of the European House of the Citizens in the territory concerned. The principle of incompatibility of offices should also apply here. One cannot be a **delegate** of the European House of the Citizens and also hold a public office in one's own constituency.

In a nutshell, the electoral system of this constitution boils down to the following points:

- The federation of the European Federal Union has universal suffrage, popular voting, with seats distributed on the basis of proportional representation.
- Everyone who is registered in a member state of the European Federal Union and is 18 years of age has the right to vote in periodic elections to the House of the Citizens.
- Voters registered in more than one Member State, for example migrant workers or students (originating from Member State A but working or studying in Member State B), receive only one ballot.
- The constituency is the entire territory of the European Federal Union. No elections per Member State, nor per District. So only the popular vote applies throughout the constituency of the European Federal Union.
- Conscientious transnational political parties place candidates on electoral lists and ensure equal gender distribution on those lists; they also ensure candidates from all Member States so that a voter from one Member State can vote for a candidate from whatever other Member State.
- After the election, the total vote count determines which candidate has won a seat in the House of Citizens. A seat is determined by dividing the total number of votes cast by the number of seats in the House of Citizens. So, the number of times a political party reaches that number determines the number of seats for that party. The seats that remain are called residual seats. They are distributed proportionally among the political parties.

Explanation of Section 3

The House of the States is a 'sociocratic' organization that decides on social-cultural issues.

In Section 3 it is a deliberate choice not to give the House of the States the name 'Senate'. This choice of words has to do with the importance of always pointing out the strength of the Constitution through the system of checks and balances: the balance between looking after the interests of the Citizens - under the responsibility of the House of the Citizens - versus looking after the interests of the

States, under the responsibility of the House of the States. The **delegates** of the House of the States are not called 'Senators' because this word is derived from the Latin 'senex'. That means 'old man'. As they - men and women - are eligible for election from the age of 30, we do not consider the term 'Senator' to be appropriate anymore.

The American Constitution was drafted in 1787 and came into force in 1789. According to that text, Senators were elected by the legislature of the States. Not elected by the Citizens. This was changed in 1913 by Amendment XVII. From then on, the US Senate is composed by the voters of the States. We wonder whether that is a good Amendment. It was, and still is, the intention that the House of Representatives represents the interests of the People and that the Senate represents the interests of the States. This is an essential feature of the federal system: the Federation is formed by the Citizens and the States. Therefore, their representation is arranged separately from each other, from two separate sources: one from the Citizens and the other from the States. It is also part of the checks and balances.

In order to prevent a federal European Congress from placing all the power in the hands of the Citizens and undervaluing the interests of the States, we therefore choose the system whereby the **delegates** of the House of the States are appointed by and from the Legislatures of the Member States. Nine **delegates** per State, not two as is the case in the USA. For the following reasons.

We opt for a larger number of **delegates** per State to ensure that each State of the European Federal Union is adequately represented in the federal House of the States, however small and sparsely populated a State may be. By assigning each State of the Federation nine **delegates** in the House of the States, each State is assured of sufficient representation to participate effectively in federal decision-making. Moreover, this figure may be an incentive for Europe's smallest States, with populations of at most a few million, to join the Federation. Under the Lisbon Treaty, they are now guaranteed five to eight seats in the European Parliament. By joining a European Federal Union, they are guaranteed nine seats in Congress - that is, in the House of the States - even if none of these smallest States were to win a seat in the elections for the House of the Citizens. The fact that small Member States in a federal Congress also have delegates in the House of the Citizens is a matter and task for transnational political parties, which must organize their electoral lists in such a way that Luxembourg, Cyprus, Malta and other small States - if entered the federation - are also represented.

The question may rise: why not opting for more than nine? Or less? The reason for not more than nine is that with that the danger of specialization looms. Specialists

will certainly be found in the House of the Citizens. That is sufficient. In our view, the House of the States consists of generalists, wise people with broad experience in the way a State translates social-cultural developments into sensible policies. The reason for not less than nine is the guarantee that small Member States must have that they can adequately counterbalance the House of the Citizens which, because of its election on the basis of one constituency, is completely detached from judging the interests of states, let alone interests of districts, because it is elected to look after the encompassing interests of Europe.

For the House of the States, we are working on the basis of a five-year term of office, the same of the House of Citizens. We diverge with US Constitution with its mid-term elections of the House of the Citizens because we want to avoid a situation of permanent electoral campaign running; also diverging from the US constitution regarding the appointment of the **delegates** of the House of the States: a fixed term of five years and no stepping down of half of the House **delegates** after three years. We do not provide for elections for the early replacement of **delegates** so, a system of deputies must be included in the Rules of Procedure of the House and in the Rules of the States.

As in the case of the House of the Citizens, we cannot now anticipate the year in which the first appointments to the European House of the States will be made. The date will depend on when the Constitution enters into force. We can imagine that the appointment of the House's **delegates** by the State Parliaments presupposes that all national legislatures are in session. However, there is a real possibility that the planned appointment of **delegates** coincides with parliamentary elections in one State or in a few States. Therefore, we provide for a period of five months during which the appointments of **delegates** can take place. In this way, the States can appoint their **delegates** every five years in time, before a Parliament is dissolved. And so, the continuity of European governance is assured. The only drawback, it seems to us, is that in the event of the premature dissolution of their national Parliament, **delegates** will have to wait a few extra weeks to take up their office, but in any case, on 1 June of the year of appointment.

Clause 2 of Section 3 contains the same defense mechanism as in Section 2. It is a check on the competence and suitability of candidates for the political office of representing the States. The House of the States makes rules to check the competence and suitability of candidates for the political office of a **delegate representative**. **In order to ensure full competence and suitability of the delegates of the House of States, Appendix II A applies equally.**

Clause 2 provides further that Citizens from other parts of the world must have lived officially in a Member State of the federation for at least seven years - and

thus have sufficient Citizenship - to be eligible for election as a **delegate** ~~member~~ of the House of the States.

Clause 3 is the direct-democracy equivalent of Clause 4 of Section 2: the House of the States shall organise once a year a multi-day meeting with panels of delegates of the parliaments of the Member States to gather information on how to improve the realization of the Common European Interests as envisaged in Article III. The law shall determine how these panels are composed and how they shall operate, considering that delegates from each parliament of the Member State will participate in these panels and that the outcome of these meetings will actually improve and strengthen the Common European Interests.

Clause 4 states that the mandate of a **delegate** of the House of the States is individual; a **delegate** receives no instructions, not even from the institutions of the State from which he or she comes, or which elected him or her. The mandate is exclusive: it excludes any other public office. So, when they are appointed by their own state parliament as **delegate** of the Federation, they resign as **delegates** ~~members~~ of their parliament.

Clause 5 follows the US constitution by putting the Vice-President in charge of the House of States. Clause 6 rules that in the absence of the Vice-President, the meetings of that House are led by a Chairperson-pro tempore.

Clauses 7 and 8 deal with matters of impeachment.

Relationship with ACP-countries

As with the Overseas Territories, there is the question of the position of the 79 ACP countries, now independent states but previously colonies of European countries. In Africa, in the Caribbean and in the Pacific. The European Union maintains a special relationship with these countries through treaties, mainly aimed at creating trade relations that (can) benefit both parties. However, this relationship is always under pressure. While the EU - within the framework of the policy of the World Trade Organization - wants to abolish as many trade barriers as possible, the ACP countries usually advocate the continuation of protection. The periodic renewal of the treaty relationship between the EU and the ACP countries does not seem able to eliminate these tensions. On the contrary. However, we cannot afford this in the rapidly globalizing world. Therefore, we propose a paradigm shift in this area as well: promote the functioning of EU-ACP treaties by giving the ACP countries a place in Congress. What would be against giving six seats (without voting rights) in the House of the States, the House explicitly intended for the interests of states, to two **delegates** from the African ACP group, two from the Caribbean group and

two from the Pacific group? In order to promote gender equality, these two **delegates** per A, C and P should always consist of a woman and a man. Although they would not have the right to vote, they could participate in deliberations in the House of the States committee(s) that prepare a House position on trade treaties that the President of the Federation wants to conclude. This would give a more positive dimension to the increasingly strained relationship between the European Union and those ACP countries: those countries would no longer be negotiators on the other side of the table, but partners on the same side. It seems to us that it is up to the three groups of countries themselves to elect or appoint their **delegates** to the European House of the States. Here too, the principle of incompatibility of offices should apply: one should not hold, alongside the (non-voting) membership of the European House of the States, any other public office anywhere.

It does not seem necessary to include this in the Constitution itself. This specific relationship between the European Federal Union and the ACP countries can be settled by treaty. Should anyone argue that the absence of a literal passage in the Constitution is in conflict with the Constitution, the Court of Justice can teleologically establish, on the basis of the explicit intention of the Constitution as described here in the explanatory statement, that this is in fact in accordance with the Constitution.

If all the countries of the current EU join the Federation, our House of the States would therefore consist of $27 \times 9 = 243$ people. Plus, the above mentioned (non-voting) $3 \times 2 = 6$ **delegates** from the former colonies of European countries, the ACP group.

Explanation of Section 4

The European Congress decides in full sovereignty on exceptional judicial-moral issues.

In deviation from the American Constitution, we propose that not each House separately regulate its elections, but the European Congress. The reason is the choice to have the election of **delegates** of the House of the Citizens take place throughout the Federation. In other words, no **delegate** of the people should be elected per State, but of all the affiliated peoples together. In this way, this House is the indisputable emanation of the elective Citizens of the Federation.

Clause 2 is part of American Amendment XX, ratified in January 1933.

Clause 3 is self-evident. After the Constitution, the Rules of Procedure of a House of Representatives is the most important document because it governs the procedure of democratic decision-making.

Explanation of Section 5

There are therefore three Rules of Procedure: one for the European Congress (the two Houses together) and one for each of the two Houses. The recording of deliberations and votes implies the openness of these matters, unless the House concerned decides that certain subjects should remain closed.

Explanation of Section 6

Clause 1 may speak for itself. Clause 2 is about immunity which must guarantee the free exercise of the mandate. Each **delegate** of Congress must be able to function without external pressure.

Explanation of Section 7

This Section provides that the European Congress shall establish the three principal institutions of the Federation and shall regulate their powers by law.

Appendix II A - Requirements on competence and suitability of delegates of the House of the Citizens

Introduction

This Appendix II A is an integral- thus mandatory - part of the Constitution, without being subjected to the constitutional procedure on amendments.

Article II, Section 2, Clause 3 and Section 3, Clause 2 instruct the House of Citizens and the House of States to make rules about the competence and suitability of the delegates of both Houses. Although one set of rules applies to those who will represent the Citizens and the other set to those who will represent the States, the substance of what needs to be regulated is the same.

The political office is the most important office in the world. Where political office is absent, societies fall apart. However, 'the political office' is not the same as 'politics'. 'Politics' is the way in which that political office is exercised on a daily basis. Often not on the basis of a deep understanding of the requirements needed to fulfil the political office. 'Politics' is therefore an important, if not the most important, cause of many social problems. Not the solution.

This is especially the case when politicians are allowed to steer a society hierarchically with treaties, as is the case with the intergovernmental EU system. Those politicians don't know the difference between an undemocratic

intergovernmental treaty and a democratic federal constitution. This lack of knowledge is amoral, the result is immoral¹.

[The following is new, but it would be too much to make it bold]

A close look at psychological factors in UN Charter review and the Earth Constitution

To understand the essence of this Appendix II A - and therefore for its crucial significance for Article II of our federal constitution - we first look at the intergovernmental treaty system of the United Nations through a highly critical review of that system by Roger Kotila².

The title of this paragraph is the title of Kotila's essay for a panel presentation at the Academic Council on the UN System annual conference (July 2020). As a psychologist Kotila focuses on errors of the treaty-system of the UN with concepts from psychology. Central is his view that the UN system of treaties should be replaced by a federal Earth Constitution. He supports that position with the metaphor that 'Bully Nations' all over the world behave in exactly the same way as gangs in a prison: a behavior stemming from paranoia. He associates this with the role of sociopathic and psychopathic world leaders who should actually be locked up in prisons. However, the UN-Charter provides the five veto-nations in the Security Council (and their allies and proxies) with a stay-out-of-jail free pass, even when a leader has committed horrendous world crimes.

Still, nothing changes as far as these veto-countries is concerned. There will be no change in the sense of a 'New UN' based on a federal Earth Constitution rather than the system of treaties because the five veto-countries are led by fear as the psychological resistance to change. Fear that the other UN-countries will seize the undemocratic UN-system to curb the unlimited power of the five veto-countries. However, Kotila thinks that the time is ripe for those countries to get rid of that system. Their feelings of humiliation and resentment as second class citizens within the UN are a powerful motivation for change, as is their need for respect and dignity. They will understand - according to Kotila - that they only get that in the context of a Federal World Constitution.

Kotila mocks the Security Council's image as 'responsible for peace and security' by observing that the five veto-countries actually operate as a criminal cabal in a war business. They are the leading arms suppliers in the world. That is hidden

¹ See Leo Klinkers, 'The perverse impact of working with treaties'. In: Europe Today Magazine, 16 July 2020: [The perverse impact of operating with treaties.](#)

² President of the Democratic World Federalists (DWF), Vice President of the World Constitution & Parliament Association and Board Member of the Center for UN Constitutional Research.

behind psychological denial in the sense of 'see no evil, hear no evil, and keep your mouth shut'. Besides, the UN-Charter puts 'Bully Nations' above the law, "allowed to threaten, blackmail, overthrow, or invade weaker countries without consequence to the leaders who are responsible for these international crimes. The Earth Constitution brings us a global system with genuine 'Law and Order', the only practical way to stop sociopaths and psychopaths."

As pointed out by James Madison and Alexander Hamilton, and as the administrative practice in the European Union regularly shows, Kotila notes that "nations, particularly the stronger ones, cannot be prevented from violating a treaty if they believe it is in their self-interest to do so – whether or not it is in the world public interest." To continue with: "We know from history that treaties are like building on quicksand. The reason for this is both political and psychological. Politically nations abandon treaties with shifting perceptions of self-interest. But the psychological factor is ultimately more powerful in a global system relying on treaties by clinging to national sovereignty with institutional paranoia, added to greed. He characterizes institutional paranoia as a byproduct of the global system of nation states embodied in the UN Charter. Without an unmasking of that nation-state system there will never be disarmament and world peace: "When nations sign treaties, which relate to global issues, it gives us a false sense of security."

Kotila is clear about the structural weakness of working with treaties. History shows that they are always broken or ignored. Out of self-interest, private interests, or religious interests. The psychological dynamics of paranoia and greed – the motives of prison gangs – are based on the fear that another party is looking for advantages. Because not to be attacked or deprived of wealth themselves, nation states – just like those gangs – will always want to arm themselves. It is an automatic reaction within the system of nation-state sovereignty – without cross-border governance that can prevent or resolve conflicts. It is governed by the mentality of 'the winner takes all' and the 'survival of the fittest'.

There is no escaping this hard psychological fact. Institutional paranoia and greed will never disappear, no matter how many treaties states will sign with a focus on their own national interests. Only within a federal state form in which states share their sovereignty with a federal body, in which inspections can take place at anytime, anywhere, can paranoia and greed be curbed. The rule of law then applies to everyone. Kotila:

"This rule of law is necessary because whereas people with a normal, healthy conscience will do the right thing without threat of punishment, those leaders of nations who are sociopaths or psychopaths must be restrained by knowing they will face punishment if they commit crimes. It is wishful thinking to believe that treaties

or agreements alone can result in permanent full disarmament of weapons of mass destruction, prevent wars, or eliminate predatory economic behaviors. The psychiatric dynamic of paranoia (and greed), just like with prison gangs, will eventually sabotage any treaty-based agreements between sovereign nations.”

Pay particular attention to Kotila’s emphasis on the danger of nation-state anarchy as the most obvious byproduct of operating with treaties. The greater the territorial scale of a treaty to unite nations as a union, the faster paranoia and greed will strike and the treaty will be ignored out of self-interest, resulting in new wars as a product of nation-state anarchy.

The fact that the vast majority of EU-leaders do not know this – or prefer to ignore it – is simply a product of politicians:

- (a) not knowing the perverse effects of working with treaties;
- (b) not knowing the difference between an undemocratic intergovernmental treaty and a democratic federal constitution;
- (c) so, not knowing the foundations of the political office.

The lack of knowledge is amoral, the result is immoral. Amoral means: without an idea or conception of what is good or bad. Immoral means: something that is contrary to the good. Not knowing what is right or wrong started with Robert Schuman making the unforgivable mistake of advocating the creation of a federal Europe by means of a treaty. Lack of knowledge of the destructive nature of intergovernmental treaties versus the positive nature of federal constitutions puts EU-politicians in the position of amoral behaviour: they do not know the difference between good or bad. And because the strongest politicians are led by paranoia (fear that they will be attacked) and greed (the sublimation of wealth and power), the result of that behavior is immoral: contrary to good.

The Political Office in the Light of the Seven Capital Sins and the Seven Virtues

During his reign of 590-604 Pope Gregory established the Seven Deadly Sins. It had no small effect in art. All seven occur in Dante Alighieri's *La Divina Comedia* (±1300). At the end of the 15th century, Hieronymus Bosch dedicated a painting to them in the form of a circle with seven segments. They read as follows:

- Superbia: pride.
- Avaritia: greed.
- Luxuria: lust.
- Invidia: jealousy.
- Gula: gluttony.
- Ira: rage.
- Acedia: laziness.

The counterparts are the seven virtues. They are older than the seven capital sins, already known in ancient Greece, and written down as part of Catholic doctrine by Pope Ambrose in the fourth century. At least the first four. The last three - faith, hope and love - are by Thomas Aquinas:

- Prudentia: wisdom.
- Justice: righteousness.
- Temperance: self-control.
- Fortitudo: courage.
- Fides: faith.
- Spes: hope.
- Caritas: charity.

These have also played a role in art and culture. Boccaccio included the seven virtues in his Decamerone. Pieter Bruegel made a series of paintings of them.

The first four virtues take us back to the domain of political philosophy. Aristotle described them in his 'Ethica Nicomachea' and Plato in his 'Politeia'. Here is the combination of Ethics and Politics, represented by four virtues which together express only one thing: a sense of morality, in the sense of knowing what is good. The opposite of amorality, not knowing what is right or wrong.

Applied to the field of building a federal Europe, which since 1800 has always failed - partly due to ignorance (amoral), partly due to deliberate blocking (immoral) - the question arises: to what should we pay most attention? To combatting the seven capital sins, including the greed that Roger Kotila despised, or to promoting the first four virtues? For scholars, the answer to this question should be simple: the primary focus should be on fighting the capital sins. How? By proving that the lack of knowledge of leading politicians of the perverse negative effects of working with treaties damages the lives and quality of life of their citizens. That is rule 1 of scientific methodology: refute the correctness of erroneous positions with facts and arguments. The effect of that evidence will automatically be more Prudentia, Justice, Temperantia and Fortitudo.

The foundations of the political office

On 11 and 12 April 1989, the Tuschinski theatre in Amsterdam again hosted the Global Economic Panel led by the then President of Philips, Prof. Dr. Wisse Dekker. Once again, the Panel consisted of famous political figures. Among them were Helmut Kissinger, known as Minister of Foreign Affairs under President Nixon, and Helmut Schmidt, former Chancellor of Germany.

At one point, Kissinger asked Schmidt, "Helmut, what do you think are the three most important problems the world will face in the next three-four decades?" Without any hesitation, Schmidt replied, "Global corruption and fraud, global warming of the climate, and refugee and migration problems."

We are now 32 years on. In a world that has indeed developed in this way.

We usually use 'corruption' in the sense of 'receiving valuable things in exchange for granting favours'. However, that interpretation is too narrow. It is merely a species of the genus 'corrumpere'. That is Latin for 'to spoil'. Whether it is food that is no longer edible or an electoral system whose outcome is a foregone conclusion because a strong man can buy the majority of votes. In the sense of 'spoil', it all comes under the term 'corrupt'.

With 'worldwide corruption and fraud' Helmut Schmidt was also referring to a growing deterioration in the quality of political systems. The result is quasi unmanageable climate, migration, and refugee problems, among other things.

The generally increasing corruption and fraud also manifests itself in a steady deterioration of the quality of people who think they can hold political office. A small minority can indeed do so. There are certainly politicians of exceptional quality. Deeply aware of the significance of the political office. But it is fair to say that the vast majority of politicians should not have been given political office.

Their unsuitability has to do with the fact that people need a kind of prove to be up to a job, but do not need a degree to perform unskilled labour and to obtain a political office. The inevitable objection is obvious. Most politicians certainly do have a diploma that goes beyond a driving licence. But the absence of the required competence and aptitude requirements means that they would not be allowed to hold political office. What we have here is a structural defect of political systems: candidates for political office are selected on the basis of all sorts of criteria, but they are not tested for knowledge and understanding of the fundamentals of the political office. This is a necessary requirement to be allowed to serve the interests of the people.

In the words of George Washington: "There is nothing which can better deserve our patronage than the promotion of science and literature. Knowledge is in every country the surest basis of public happiness."

This notion is reinforced by John Quincy Adams, also one of the founding fathers 1787: "I must study politics and war that my sons may have liberty to study mathematics and philosophy. My sons ought to study mathematics and

philosophy, geography, natural history, naval architecture, navigation, commerce, and agriculture, in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry, and porcelain."

A closer look at the foundations of the political office

Every profession requires relevant competence (knowledge and experience) and suitability (mentality and morality). These two criteria determine whether one is qualified to exercise a given profession. This should apply unreservedly and compelling to persons holding a political office, being the most important office in the world.

This seems to run counter to the constitutional provision - probably applicable in every Member State - that every resident has an equal right to become a member of a generally representative body by means of elections. However, qualification requirements do not deprive anyone of the right to prove that they have been met; no one is excluded beforehand. Moreover, political parties now also apply selection mechanisms when deciding whether or not to put someone on a list of candidates. The problem, however, is that selection criteria are insufficiently tailored to the notions of competence and suitability for the political office or that political parties interpret them incorrectly.

Foundation of competences

The requirement for competence in the fundamentals of political office requires one to possess deep-seated knowledge such as:

- (a) To know how the concept of popular sovereignty developed from Aristotle through all ages, Popular Sovereignty in the sense of "All sovereignty - the highest authority - belongs to the people"
- (b) To know how the writings of political philosophers - in addition to renowned historical popular uprisings - formed the basis for various forms of organising popular representation while safeguarding the sovereignty of the people.
- (c) To know why and how nationalism and religions promoted the greatest wars in Europe and in the rest of the world.
- (d) To know that the protection of the people's sovereignty must be ensured by following indelible principles such as:
 - Ex factis ius oritur: it is facts that must lead to justice.
 - Ex iniuria ius non oritur: from injustice³ there is no law.

³ To quote Thomas Jefferson: "When injustice becomes law, resistance becomes duty."

- Pacta servanda sunt: treaties must be respected.
 - The rule of law: no one is above the law.
 - Trias politica: the separation of the legislative, executive, and judicial branches.
 - Checks and balances: the constitutional instruments to guarantee the separation of powers.
 - Actus contrarius principle: the procedure to rectify what has gone wrong in the past.
 - Habeas corpus: the prohibition of illegal detention and the right to a fair trial.
 - Ius cogens: mandatory law.
 - Ius post bellum: law after a war.
 - The right to self-determination is an inalienable right.
- (e) To know the origin and meaning of human rights treaties and to fight tirelessly for their application in the never ending quest for peace in Europe and in the rest of the world.
- (f) To know how political parties based on religious principles can function within the principle of separation of church and state⁴.
- (g) To know at what point of regulation law as an instrument for achieving political goals (the so-called instrumental view of law, driven by the fads of the day) must give way to the independent value of written law.
- (h) To know the fundamental difference between a centralized and a decentralized unitary state.
- (i) To know the fundamental difference between federal statehood and intergovernmental treaty-based administrative cooperation.
- (j) To know the fundamental difference between a parliamentary and a presidential system.

⁴ We are not discussing whether a political party can operate at all on the basis of religious doctrines. But in an increasingly secular Europe, this question will have to be addressed - again - as a matter of principle. A quote from Thomas Jefferson, author of the Declaration of Independence 1776, may be helpful here: "I have examined all the known superstitions of the world, and I do not find in our particular superstition of Christianity one redeeming feature. They are all alike founded on fables and mythology. Millions of innocent men women and children since the introduction of Christianity, have been burnt, tortured, fined, and imprisoned. What has been the effect of this coercion? To make one half the world fools and the other half hypocrites; to support roguery and error all over the earth."

- (k) To know the fundamental difference between an appointed and an elected Prime Minister, either from and by Parliament or from and by the people.
- (l) To know what the fundamental difference is between monism and dualism and that working with a coalition agreement as a catalyst for monism destroys the required dualism between parliament and government.
- (m) To know that for countries that have to cooperate and live together, only a federal state is the appropriate organisational form, with consequences for the correct application of constitutional and institutional standards, with the aim of entrusting to a federal body interests that individual states cannot manage independently, while preserving the sovereignty of the member states and their citizens.
- (n) To know why intergovernmental forms of government such as the United Nations and the European Union with their limited political life cycle and fundamental systemic failures cause irreparable damage to principles of sovereignty if not replaced in a timely manner by a federal form of government.
- (o) To know how to apply the architecture of breaking the status quo, the architecture of goal setting, the architecture of goal attainment and the summary architecture of the process of circular policy making; circular in the sense of avoiding policy traps, the loss of policy energy and stepping into the trap of solution thinking.
- (p) To know how to design enforceable law without the pathological side effects of juridification and bureaucratization of governance.
- (q) To know which elements from sciences such as law, philosophy, political science, sociology, organisation theory, communication theory, cybernetics, systems theory, causality theory, formal logic, psychoanalysis, and social psychology should guarantee good governance.
- (r) To know that public organisations as such have no conscience and no learning capacity and that therefore increasing the quality of public organisations must be guided by investment in the individual learning capacity and conscience of the political and civil servants.
- (s) To know that organs of government that manoeuvre individuals and groups of citizens into hopeless powerlessness are exercising a form of terror.

Foundation of suitability

Now the question of suitability. This concerns mentality and morality. The main requirements are:

- (a) To understand and feel that the exercise of political office in a party context is always under pressure from the tendency towards oligarchization, political monopolisation and thus corruption in the sense of spoiling.
- (b) To understand and to feel that holding and exercising political powers is incompatible with the acceptance of immunity and dual mandates.
- (c) To understand and to feel that having powers in relation to society requires accountability for the exercise of these powers; and that for this purpose it is not possible to work with a treaty, but only with a constitution.
- (d) To understand and feel that the right to hold political office requires the courage to use serving the people to do good and fight evil. Doing good in the sense of restlessly protecting inalienable values of humanity. And fight against the ever-dormant (pre-)fascism that can threaten any society.
- (e) To understand and feel that the (mis)conduct of political office holders determines the (mis)conduct of society. The good-example function is everything. Deviating behaviour at the top of society always results in deviating behaviour at the base of society.
- (f) To understand and feel that acting respectfully, valuing everyone, showing empathy, and seeking commonality and connection creates a sense of security and trust in government.
- (g) To understand and feel that acting morally means acting in the light of Immanuel Kant's Categorical Imperative.
- (h) To understand and feel that sincerity in speech and truthful action takes place in the light of Jürgen Habermas' Theory of Communicative Action.
- (i) To understand and feel that just action must take place in the light of John Rawls' Theory of Justice.
- (j) To understand and feel that acting wisely must be in accordance with Aristotle's Virtue Ethics.

- (k) To understand and appreciate that courageous action is required in the face of resistance from destructive forces.
- (l) To understand and appreciate that talking to and about citizens is inferior to deliberating with citizens.
- (m) To understand and appreciate that where authority disappears, a government is left with only power, which is not used in the service of the people.
- (n) To understand and to feel that having the above-mentioned knowledge requirements is not without obligation: noblesse oblige.

If, in addition to these competence and suitability requirements, someone also knows something about public health, defence, agriculture, livestock and fisheries, macroeconomics, housing, infrastructure, climate change or other policy sectors, then that is a bonus, but not a necessity. Sometimes even annoying because civil servants and advisers are better at it than politicians.

Has the lowest point been reached?

No, we have not yet reached the end of the worldwide decline in the quality of the political office. On the contrary. In more and more places in the world and in Europe as well, populist nationalism bordering on fascism is on the rise. With a threatening return to post-Westphalian nation-state anarchy. Its decay - manifest in conflicts and wars with their various forms of violence and violation of human rights - appears to be stronger than peaceful demonstrations against political misconduct. This process of creeping decay seems unstoppable for the time being.

If we look at this development linearly, the next phase of Helmut Schmidt's prediction of increasing corruption and fraud is the advent of violent uprisings by peoples who see no other way out than to choose variants of the English Magna Carta of 1215, the Dutch Placcard of Abandonment of 1581, the American Declaration of Independence of 1776, and the 1789 French Revolution.

In 2023, it will be a hundred years since Hitler carried out his first - albeit unsuccessful - putsch. To gain absolute power ten years later in 1933. Who knows of facts and arguments strong enough to assume that this cannot happen again? Though, we can do everything we can to prevent it, including restoring to the political office the dignity and authority it deserves. And that is part of the responsibility of transnational political parties to be held constitutionally accountable for the required quality of delegates to the House of Citizens.

The responsibility of transnational political parties

Transnational political parties are responsible for the quality of the politicians who take office in the federal House of the Citizens. They have to select the best people for the most important political office in Europe. And not only select, but also take responsibility for their competence and suitability.

We are encountering a curious phenomenon here. There is a gap in the system of checks and balances. Traditionally, the door to membership of a Parliament is wide open. People who aspire to become representatives of the people register with a political party; the party selects, on the basis of internal procedures and preferences, whom to put on their party's electoral list, and if that candidate is then elected by the people, membership of the national assembly is a fact. In the procedure preceding the election, the people play no role, while they have every interest in being represented by the best. The people want good governance. Political parties want power. If transnational political parties promote the wrong candidates to the representation of the people, the people are powerless.

Therefore, it is appropriate to supplement the system of checks and balances with an extra element: giving the Citizens a role in the educating and selecting of candidates for representation of the people and also a role during the performance of candidates in the representation of the people. In the US federal system, Ministers are tested in two ways. After a nomination by the President, they are first evaluated by the Senate on their capacities for holding the office of the President's Cabinet. If they pass that test but are involved in matters that Congress wants to investigate further during their tenure, all the Standing Committees of Congress have the power to subpoena and question them.

A similar formula should apply to the education, recruitment, selection and functioning of European candidates for membership of the House of the Citizens. In other words, organise the influence of the people before a representative of the people steps through the door of the European Congress, but also during his/her functioning once he/she is inside. This formula could look like this⁵:

- (a) The transnational political parties jointly establish a non-partisan Training Institute that provides a curriculum as referred to the aforementioned requirements of competence and suitability for holding the most important political office in society. It is an offer to the people of Europe. However, attending such training is not compulsory. Potential candidates can also acquire that high level of ability and suitability to hold political office by other means. Nor is any prior academic training required. One can learn Aristotle's virtue

⁵ This also might deserve attention in the USA. The period of Trump's presidency has shown that Congress has members whose constitutional knowledge and mental attitude raise question marks.

ethics even without a university degree. The training shall be organised according to the structure of open universities and offered primarily online.

- (b) The non-partisan Board of that Institute shall establish a Committee of non-partisan Citizens in each Member State one year before the election of a new House of the Citizens (direct democracy). With a Committee in each Member State, it is relatively easy to investigate the candidacy of the delegates for the representation of the people. Such a Committee consists of fifteen people, plus a chairperson. The composition is as follows: as many women as men; five of the fifteen members are scientists in the field of political philosophy, constitutional law, behavioural sciences, systems theory, and organisational science; five members come from the world of the arts; the other five are Citizens with a considerable life experience, wise people so to speak. Together they represent the 'Wisdom of Crowds'⁶. By choosing scientists (check on competence), artists (check on suitability) and wise persons (additional check on suitability), we are following the quote by John Quincy Adams mentioned above. The non-partisan Board of that Institute will compose the Committee on its own authority.
- (c) The committees examine the credentials of candidates from all parties in that Member State and hear them personally. They do not pass judgment on the political values of candidates. They only check whether candidates can be considered sufficiently competent and suitable as members of the House of the Citizens. Those who pass the examination receive the 'nihil obstat', the sign of 'no objection', from the Committee. This is a public document. Given the ever-present danger of creeping autocratization, an examination of the mental capacities of the candidates is an obligatory part of the credentials. If a candidate does not obtain a 'nihil obstat', it is up to the political parties to decide whether to honour a Committee's 'nihil obstat' and withdraw the candidate, or still keep him/her on the electoral list. If the party retains the candidate, it is up to the voter to give his/her vote or not to that candidate.
- (d) After the elections, the non-partisan Citizens' Committees continue to exist until the next elections. During the parliamentary term of five years, they monitor the behaviour - inside and outside Congress - of the people's representatives. If Committees identify behaviour that raises questions in the context of the competence and suitability requirements, they can subpoena the person concerned and hear him or her under oath. If an investigation shows that the conduct is indeed in breach of the competence and suitability requirements, the Committee can state this and make it public. The Committee does not have

⁶ James Surowiecki, *The Wisdom of Crowds*, 2004.

the power to remove the member of the House of the Citizens concerned from political office. After all, he or she is elected by the people. However, this representative of the people will have to appear before the Committee again at the next elections - at least if the party puts him/her on the list again - and give account; there is a good chance that a new 'nihil obstat' will not be issued. And, of course, that is also a strong signal to the people not to give preference to that candidate any longer.

Special note:

The same procedure applies to candidates for the office of delegate of the House of the States. They will be appointed by the legislatures of the Member States, but it is the political parties in the parliament of each Member State that put forward candidates. What is written as the procedure for carrying out a check on the competence and suitability of a candidate for the House of the Citizens applies *mutatis mutandis* to a check on the competence and suitability of candidates for the office of the House of the States to be carried out by the parliaments of Member States.

This Appendix II A is a radical - but extremely necessary - addition to the system of checks and balances. Europe is facing the biggest task in its history. After the expected systemic crisis - because of the implosion of the European Union due to its many systemic failures - Europe must build a federal state that may no longer show any traces of intergovernmental treaty-based DNA. Moreover, it is a matter of utmost importance to provide the federal constitutional and institutional system with optimal defence mechanisms against undemocratic rule. Throwing away what is structurally wrong with the claimed democracy and bringing in what is structurally right for true democracy you can only be done once, in the beginning. In the terminology of the digital age: the representation of the people of a federal Europe is not an update of the existing system that has no gate-keeping to block stupid and immoral candidates for the House, but an upgrade, a total, breathtaking renewal.

Do we want Common European Interests to be represented at an excellent level? Do we want the House of the Citizens to be committed to helping European Citizens to be happy, to care about the planet, peace, climate, health, employment, immigration, the economy, security, connection, and solidarity? If so, then no one in Europe has the right to shrug his shoulders at the obvious demand that Europe's parliamentary representatives should consist of people who have been trained at the highest level for Europe's political office. Do you see it differently? Go flying in an three hundred persons aero plane with pilots who have only been trained to bake bread.

This addition to the system of checks and balances comes as close as possible to Aristotle's concept of democracy. Not in the sense of all Citizens making all decisions together in the square, but in the sense of the structural involvement of Citizens before and during sessions of the House of the Citizens; as a watchdog against deviant behaviour by those who represent them.

Following Jean-Jacques Rousseau we must accept that this representation of the European people is also an 'elective aristocracy'. Not the former aristocracy of noblemen or of wealthy people who paid taxes and could thus acquire political office. What is meant here is an 'aristocracy' of elected people who, according to the political parties to which they belong, may justifiably represent the people. Of course, we do not close our eyes to the warning that the exercise of political office is always under pressure from oligarchization. And thus, to the formation of political monopolies. These always lead to corruption. We trust that this addition to the checks and balances of our federal Constitution is strong enough to limit that inevitable urge to oligarchize to the utmost.