

THE EUROPEAN UNION'S AMERICAN PEDIGREE: LESSONS FROM THE OTHER SIDE OF THE ATLANTIC

Myles B. Kantor^{*}

Human nature is the same on every side of the Atlantic, and will be alike influenced by the same causes. The time to guard against corruption and tyranny is before they shall have gotten hold on us. It is better to keep the wolf out of the fold, than to trust to drawing his teeth and talons after he shall have entered. – Thomas Jefferson¹

The European Union is a continental movement with an American pedigree. The phenomena of European “integration” and “harmonization” (innocuous terms for a pernicious enterprise) re-enact the evolution of the American Union: the judicial conversion of sovereign states into municipalities and, concomitantly, the homogenization-centralization of political life by a stratified agent turned superior. The commonalities between the American and European unions reflect the recurrent dynamics by which autonomy is undermined.

AN AUTOPSY OF AMERICAN FEDERALISM *The Constitutional Convention*

This Constitution is said to have beautiful features; but when I come to examine these features, Sir, they appear to me horridly frightful. – Patrick Henry, at the Virginia Ratifying Convention, 1788²

^{*}Editor of *FreeEmigration.com* and columnist at *FrontPageMagazine.com*.

¹Thomas Jefferson, *Notes on the State of Virginia*, in *Thomas Jefferson: Selected Writings*, ed. Harvey C. Mansfield, Jr. (Arlington Heights, Ill.: Harlan Davidson, 1979), p. 31.

²Ralph Ketcham, ed., *The Anti-Federalist Papers and the Constitutional Convention Debates* (New York: Mentor, 1986), p. 213.

The Constitutional Convention signified the commencement of federalism's decline—an ostensible *non sequitur*, given federalism's innovation during the Founding. Heresy or not, the Convention's propellants sought to implement a unitary political order, not a federal one. James Madison pushed for the ultra-nationalist Virginia Plan, which “rained blow after blow on the states.”³ If Madison, Hamilton, and other nationalists had prevailed, the states would have been provinces of a central regime. The Anti-Federalists understood their opponents' objective, and admonished against it persistently.⁴

The Constitution reflects the ideological competition behind its conception. On one hand, the nationalists gained a number of victories: a uniform military, currency, and diplomacy, in addition to domestic prohibitions (no Bills of Attainder, *ex post facto* laws, etc.).⁵ The states no longer exercised some standard attributes of sovereignty. A further institutional victory came in nationalistic structure of the House of Representatives, whose approval is required for a law's passage.

As Madison recognized, however, the Constitution is federal in foundation.⁶ Ratification occurred through the approval of nine state conventions, their approval binding only upon themselves. A nationalist ratification would have occurred through a plebiscitary framework, e.g., a majority vote by the states or the people of the states binding on all. A complementary institution is the amendment process. For a constitutional amendment to pass, three-quarters of the states' legislatures must approve. Population is not a criterion in this scheme; currently, in fact, a constitutional amendment may be defeated by the thirteen least populous states, or ratified without the approval of the thirteen most populous states. The amendment process confers a premium not upon majoritarian nationalism but upon state equality in a federal republic. Another key federal institution is the Senate.⁷

³Garry Wills, *A Necessary Evil: A History of American Distrust of Government* (New York: Simon and Schuster, 1999), p. 76. For a discussion of Madison's unitary vision, see Myles Kantor, “James Madison's Ambivalent Architecture,” *LewRockwell.com* (March 22, 2001).

⁴See Ketcham, *The Anti-Federalist Papers and the Constitutional Convention Debates*, passim.

⁵See U.S. Constitution, art. 1, secs. 8 and 10.

⁶“In its [the Constitution's] foundation, it is federal, not national.” James Madison, *Federalist No. 39*, in *The Federalist Papers*, ed. Clinton Rossiter (New York: Mentor, 1999), p. 214.

⁷This institution is currently under a *sub silentio* siege. See Myles Kantor, “The Senate Abolitionists,” *LewRockwell.com* (January 3, 2001).

Myles B. Kantor – The European Union’s American Pedigree

Thus, while the Madisonian-Hamiltonian bid for national supremacy failed and the states retained ultimate autonomy, there remained a manifest drift toward consolidation in the Convention’s inception, as well as in the organic law it engendered.

An Imperial Interlude

It must be manifest that the sovereignty of the people was now extinct, and those ruled who had the bayonets on their side. – Jefferson Davis, on Reconstruction⁸

The American federal union existed for less than a century before it collapsed in 1861. The collapse in question refers not to the withdrawal of the Southern states from the union, but to the war levied against those states in their subsequent union, the Confederate States of America. The Tenth Amendment’s guarantee of reserved powers notwithstanding, Abraham Lincoln deemed the Confederacy to be an insurrection, and prosecuted a bloodbath to cement his unitary ideology. It cannot be over-emphasized that the Union’s conquest of the Confederacy was grounded not in abolitionist zeal but in territorial covetousness. In fact, Lincoln’s (il)logic would have required suppression had the North, instead of the South, seceded to free itself from compliance with the draconian Fugitive Slave Act of 1850.⁹

The upshot of Confederate conquest was nothing less than an inversion of American federalism. Although a constitutional amendment prohibiting secession did not follow the war, the message was clear: leave and be smashed. Without the fundamental freedom to withdraw, federalism is a sham. Just as a citizen’s pre-eminent right entails voting with one’s feet (i.e., emigration), a polity’s paramount right is secession. The denial of these rights imposes a state of subjugation.

Reconstruction was the martial follow-up to the Confederacy’s imperial annihilation. While the Union held that the Confederate states had never withdrawn (and were, therefore, insurrectionists),

⁸Jefferson Davis, *The Rise and Fall of the Confederate Government* (New York: Da Capo Press, 1990), vol. 2, p. 641.

⁹Given the disunionist intensity of prominent abolitionists, Northern secession was a genuine possibility. William Lloyd Garrison observed at the outset of the war, “All union-saving efforts are simply idiotic.” Quoted in Jim Powell, *The Triumph of Liberty* (New York: Free Press, 2000). See also Myles Kantor, “Union and Bondage,” *Mises.org* (April 12, 2001).

readmission was required post-bellum. This position's senselessness reflects the hegemonic incoherence of Radical Republican legislators. To effectuate dominance over the "conquered provinces" (to use Thaddeus Stevens's phrase), the Republican Congress passed the First Reconstruction Act over President Andrew Johnson's veto in 1867. The pertinent language read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That said rebel States shall be divided into military districts and made subject to the military authority of the United States as hereinafter prescribed; and for that purpose Virginia shall constitute the first district; North Carolina and South Carolina the second district; Georgia, Alabama, and Florida the third district; Mississippi and Arkansas the fourth district; and Louisiana and Texas the fifth district.¹⁰

There's no doubt that the delegates to the Constitutional Convention would have scoffed if they were told that, within a century, the states would be invaded and ravaged for withdrawing, and then have their statehood eviscerated as federal protectorates. Political vicissitudes can be staggering.

Brutus Vindicated: The Judicialization of American Autonomy

The judicial power will operate to effect, in the most certain, but yet silent and imperceptible manner . . . an entire subversion of the legislative, executive, and judicial powers of the individual states. – Brutus, January 13, 1788¹¹

¹⁰Texas State Library and Archives Commission, "The Reconstruction Acts: 1867," www.tsl.state.tx.us. Charles Bracelen Flood, in *Lee: The Last Years* (New York: Houghton Mifflin, 1998), p. 148, describes the effect on Virginia, and, by proxy, every affected state: "Any civil government that did exist in the state was deemed to be purely provisional in nature, existing at the sufferance of Washington. The Congress declared that it had the right to abolish or change any aspect of local government throughout the South, at any time and without previous notice. . . . The South was now formally and unequivocally a zone of military occupation, with no other status in the eyes of the Federal government. The lock was on." Emory Thomas, in *Robert E. Lee: A Biography* (New York: W.W. Norton, 1997), p. 385, similarly observes, "[T]hey were not states, but portions of districts administered by the United States Army."

¹¹Brutus, *Letter XI*, in Ketcham, *The Anti-Federalist Papers and Constitutional Convention Debates*, p. 296.

Myles B. Kantor – The European Union’s American Pedigree

If the ambivalence between an American Nation-State and a union of sovereign states appeared from the start, so did the judicial process whereby the former would be entrenched in the twentieth century. There are copious cases in this vein, but one will suffice to reflect the severity of self-government’s displacement by the judiciary.

Reitman v. Mulkey (1967)¹²

In the early 1960s, the State of California passed a law prohibiting racial discrimination in housing. By 1964, the people of California had grown sufficiently intolerant of this proprietary infringement to pass the following referendum, Proposition 14, by a vote of 4,526,460 to 2,395,747:

Neither the State nor any subdivision or agency thereof shall deny, limit, or abridge, directly or indirectly, the right of any person, who is willing or desires to sell, lease, or rent any part or all of his real property, to decline to sell, lease, or rent such property to such person or persons as he, in his absolute discretion, chooses.

California’s Supreme Court proceeded to nullify Proposition 14 under the notion that it constituted state encouragement of racial discrimination, and, therefore, violated the Fourteenth Amendment’s Equal Protection Clause.¹³ The U.S. Supreme Court affirmed the California ruling by a 5-4 vote. Justice Harlan observed in dissent how the Court’s affirmation of California’s encouragement thesis had the effect of “forging a slippery and unfortunate criterion by which to measure the constitutionality of a statute simply permissive in purpose and effect, and inoffensive on its face.” Moreover, the Court’s ruling implied the perpetuity of the legislation Proposition 14 sought to repeal: “Opponents of state anti-discrimination statutes are now in a position to argue that such legislation should be defeated because, if enacted, it may be unrepealable.”¹⁴ The effect of *Reitman* was, thus, to undermine protection of property rights and popular sovereignty.

¹²387 U.S. 369.

¹³The Fourteenth Amendment, of course, had a less-than-pristine ratification process. See Forrest McDonald, *States’ Rights and the Union: Imperium in Imperio, 1776–1876* (Lawrence: University Press of Kansas, 2000), pp. 212–13.

¹⁴The Fair Housing Act of 1968, prohibiting discrimination on the basis of race, religion, sex, etc., rendered *Reitman* moot. See U.S. Department of Housing and Urban Development, “Fair Housing and Equal Opportunity: Fair Housing Act,” www.hud.gov.

So here is political life in America, 212 years after the Constitution's implementation: member states of the (so-called) federal union may not withdraw, and may not safeguard their citizens' property rights, among other self-determining acts.¹⁵ In other words, an electorally unaccountable coterie in the District of Columbia holds veto power over the internal affairs of fifty discrete governments bound to a union consensually or not. The caprices of five or more justices now constitute the determinative opinion in American government.

This shabby state of affairs vindicates the great Anti-Federalist, Brutus. Brutus considered the proposed constitution a unitary blueprint "calculated to abolish entirely the state governments, and to melt down the states into one entire government, for every purpose as well internal and local, as external and national." He attributed the effectuation of this abolition to the Supreme Court:

Perhaps nothing could have been better conceived to facilitate the abolition of the state governments than the constitution of the judicial. They will be able to extend the limits of the general government gradually, and by insensible degrees, and to accommodate themselves to the temper of the people.¹⁶

Reading these words in 2001, what is salient is the precision with which Brutus admonished against Publius's nationalist organic law. Today's federal primacy has indeed been achieved through the sophisticated incrementalism of the judiciary. The prestige of that branch has subtly instilled a sense of supremacy in the populace that it controls. While critical comments about the Court are common, Americans are generally inured to its chronic nullification of self-government. The fifty state governments that exist today are Potemkin sovereignties, provinces of an agent that has inverted its relationship to the principals from which the federal mandate originally derived.¹⁷

¹⁵See, for instance, *Coker v. Georgia*, 433 U.S. 584, which invalidated capital punishment for rape as violative of the Eighth Amendment's prohibition against cruel and unusual punishment; and *Stenberg v. Carhart*, 000 U.S. 99-830, which invalidated a law prohibiting partial-birth abortion on the grounds that it imposes an "undue burden" on a woman's "right" to an abortion.

¹⁶Brutus, *Letter XV*, in Ketcham, *The Anti-Federalist Papers and the Constitutional Convention Debates*, p. 308.

¹⁷The Tenth Amendment to the United States Constitution reads, "The powers not delegated to the United States by the Constitution, nor prohibited by

JURIDICAL CONSOLIDATION IN EUROPE, OR, THE VIRGINIA PLAN ABROAD

The EU is not yet the kind of federal institution Jean Monnet and his colleagues foresaw, but it *has* moved closer to a federal structure than any other international organization. – John McCormick¹⁸

The philosopher Kierkegaard said the most effective revolutions are the ones that left the buildings standing and the semblance of everything the way it was, but dragged away the real meaning from them so they no longer really existed, but just appeared to do so. *That’s* the kind of revolution Britain is undergoing—one where all the buildings are left standing, all the institutions appear still to be there. But their power and significance have just been drained away and they don’t really rule the country anymore. We don’t have a Parliament, or an English law, or indeed our independence. – Peter Hitchens¹⁹

. . . that monument to the pretensions of technocratic rationality, the European Union. – Paul Campos²⁰

If the American federal union collapsed within three-quarters of a century, the European Union has outdone the rapidity of its predecessor. It has been slightly more than fifty years since the Schuman Declaration inaugurated Europeanism on May 9, 1950. His vision of “the federation of Europe”²¹ has materialized so extensively that it is now almost erroneous to speak of Europe as a collection of nation-states, rather than a collection of Eurocratic municipalities. Indeed, *The Economist* recently proposed “A Constitution for Europe.”²²

it to the States, are reserved to the States respectively, or to the people.” The use of “delegated” reflects the relationship between the states and federal government. (The derivative of “delegate” is the Latin *delegare*, “to depute down.”)

¹⁸John McCormick, *The European Union: Politics and Policies*, 2nd ed. (Boulder, Colo.: Westview Press, 1999), p. 88.

¹⁹Peter Hitchens, “Geoff Metcalf Interviews Author Peter Hitchens on the End of England,” *WorldNetDaily.com* (January 21, 2001).

²⁰Paul F. Campos, *Jurismania: The Madness of American Law* (New York: Oxford University Press, 1998), p. 182.

²¹See McCormick, *The European Union*, pp. 47–48.

²²“A Constitution for the European Union,” *The Economist* (October 28–November 3, 2000).

There are several manifestations of the EU's de-nationalization campaign, including the movement toward Qualified Majority Voting in the Council of Ministers, the existence of a European Parliament, the attempts to homogenize Europe's currency with the Euro, and the plans for a European military force.²³ The most potent mechanism by which Europe's sovereignties have been undermined, however, is EU law and the juridical Leviathan that is part and parcel of it—specifically the incorporation of human rights law into national policy by the European Court of Justice (ECJ) and the European Court of Human Rights (ECHR).

I will take an Anglo-centric perspective in examining the effect of EU law and its advancement by the ECHR and ECJ. In examining the current condition of British autonomy under Eurocratic governance, we observe the distinctly American feature of judicial supremacy at work with the attendant establishment of oligarchy.

The Human Rights Act, Charter of Fundamental Rights, and Their Consequences

In October 2000, the Human Rights Act (HRA) took effect and incorporated the European Convention on Human Rights into British law. Tony Blair's wife, Cherie Booth, describes the watershed legislation as a modernizing mechanism "to make [Britain] a strong and confident democracy in the twenty-first century"; barrister David Pannick writes that the Act "enhances the maturity of our legal system and offers our courts a greater potential to do justice"; Professor Conor Gearty of King's College in London argues that it represents the "most significant formal redistribution of political power in this country since 1911 and perhaps since 1688."²⁴ December 2000 saw the signing of the Charter of Fundamental Rights (CFR) in Nice, an

²³Plans for a European Defence Identity and Rapid Reaction Force portend the worst kind of centralized power. See John Major, "Britain may come to regret Blair's Euro-army muddle," *The Daily Telegraph* (May 18, 2001). Granted, this centralization has not been shrouded from EU member states. Title V of the 1992 Treaty of Maastricht explicitly aspires to "a common foreign and security policy."

²⁴Cherie Booth and Rabinder Singh, "Law that will turn dreams of equality into reality," *The Telegraph* (August 7, 2000); David Pannick, "What could be more British?" *The Times* (October 3, 2000); and Joshua Rozenberg, "Judges strike the rights balance," *The Telegraph* (December 19, 2000).

ostensibly symbolic action that a number of prominent Eurocrats consider binding.²⁵

By definition, incorporation entails standardization, and the HRA and CFR entail massive standardization. Article 3 of the former prohibits “inhuman or degrading treatment or punishment,” and the Sixth Protocol abolishes capital punishment.²⁶ The CFR is even more expansive, creating European citizenship, rights to education (Article 14), protection against “unjustified dismissal” (Article 29), and working conditions that respect “health, safety, and dignity” (Article 30). Article 23 requires comprehensive equality between men and women all the way down to employment policies (work, pay, etc.). Indeed, the ECJ’s Advocate General has deemed Britain’s failure to guarantee paid holidays to be violative of the CFR.²⁷ As for a quaint institution like property rights, Article 17 states that “The use of property may be regulated insofar as is necessary for the general interest.”²⁸

What is “unjustified dismissal,” or “the general interest”? What constitutes “inhuman or degrading treatment or punishment”? These nebulous promulgations will have to be defined and enforced by a political entity, and the supra-national judiciaries of the ECHR and the ECJ are the entities which will define and enforce these elastic enactments. These conspicuously elitist institutions will enjoy adjudicative

²⁵Nicole Fontaine, the French President of the European Parliament, has affirmed, “Everyone should be aware that we will treat this charter as a legal document.” “Here’s a Nice mess,” *The Telegraph* (December 10, 2000). In the same article, Italian Foreign Minister Lamberto Dini calls the charter an initial step to establishing an EU constitution. Former President of the European Commission Romano Prodi notes, “[I]t will be possible to envisage calmly how to incorporate the Charter in the founding treaties of the Union. The Commission would like to see this happening as soon as possible.” European Union, “Press Release,” December 7, 2000.

²⁶Peter Hitchens highlights the significance of the Sixth Protocol: “[A]nti-hanging MPs quietly used the Human Rights Bill to make it impossible for the House of Commons to reintroduce capital punishment, ever.” This “cemented the revolution in criminal law begun in 1957 with the Homicide Act.” Peter Hitchens, *The Abolition of Britain: From Winston Churchill to Princess Diana* (San Francisco: Encounter Books, 2000), p. 304.

²⁷See Joshua Rozenberg, “Paid leave a right, EU lawyer says,” *The Telegraph* (February 9, 2001).

²⁸“Draft charter of the fundamental rights of the European Union,” *The Telegraph* (September 21, 2000).

supremacy (in this case, the same as discretionary supremacy) over a body of law that affects the internal affairs of EU member states.

British Euroskeptics rightfully consider this subversive of their polity's parliamentary structure. Journalist Peter Hitchens and philosopher Roger Scruton describe the consequences as the abolition of Britain and forbidding of England, respectively.²⁹ The transfer of ultimate political authority from the legislature to the judiciary (and a non-British judiciary at that) is a radical alteration of British government—hence, Gearty's comparison of the HRA to the Parliament Act and Glorious Revolution. Luxembourg and Strasbourg are now the sites where policy for Britain and the rest of Europe shall be made.

This may be described as the Eurocratization of the Virginia Plan. Under the Virginia Plan, the American states then under the Articles of Confederation would have had their laws subject to a congressional veto and been without equal suffrage in the proposed Senate. To quote Madison, there would exist a "negative in all cases whatsoever on the local legislatures" and "a government which, instead of operating on the states, should operate without their intervention on the individuals composing them."³⁰

The EU is emulating Madison's vision. The ECHR and ECJ exercise a *de facto* veto on member states' laws, and the EU operates directly on its "citizens." Thus, the EU is not a mere inter-governmental association but a discrete and dominant political entity, its prestige reinforced through august judicial agencies. Brutus's admonishment warrants reiteration:

Perhaps nothing could have been better conceived to facilitate the abolition of the state governments than the constitution of the judicial. They will be able to extend the limits of the general government gradually, and by insensible degrees, and to accommodate themselves to the temper of the people.³¹

Indeed, the juncture has been reached where advocates of EU primacy openly identify the emasculation of EU member states' sovereignty. U.N. Secretariat veteran Frederick K. Lister writes:

²⁹See Hitchens, *The Abolition of Britain*; and Roger Scruton, "Don't let Blair ruin it," *The Spectator* (April 1, 2000).

³⁰Quoted in Wills, *A Necessary Evil*, pp. 76–77.

³¹Brutus, *Letter XV*, in Ketcham, *The Anti-Federalist Papers and the Constitutional Convention Debates*, p. 308.

Myles B. Kantor – The European Union’s American Pedigree

The jurisprudence and judicial machinery of the European and the Benelux Unions constitute a new layer that is positioned between the international and national (municipal) legal systems. It is significant that the European Court of Justice . . . has had a heavy caseload and performed a role that is comparable to that played by the supreme courts in national governments.³²

“But,” as Wittgenstein asks, “what does all that signify?”³³ Let us examine one example of Eurocratic kritarchy’s human costs.

The Bulger Case

The British Government should not allow a European court to dictate how we operate our legal system.
– Denise Fergus³⁴

On February 12, 1993, Robert Thompson and Jon Venables abducted two-year-old James Bulger from a shopping center near Liverpool. They dragged him two-and-a-half miles to a railway line and tortured and battered the toddler to death. Cognizant of their barbaric act and apprehensive about capture, they placed his dead body on the railway line in the hopes that a train would hit it, making their savagery look like an accident. Their plan failed.³⁵

Thompson and Venables, both 10 at the time of the murder, were tried as adults, convicted of murder in 1993, and sentenced to indefinite detention. The trial judge recommended a sentence of eight years, Lord Chief Justice Taylor increased it to ten years, and Home Secretary Michael Howard raised it to fifteen years. The House of Lords nullified Howard’s increase in 1997.³⁶ In March 1999, the European

³²Frederick K. Lister, *The European Union, the United Nations, and the Revival of Confederal Governance* (Westport, Conn.: Greenwood Press, 1996), p. 45.

³³Ludwig Wittgenstein, *Notebooks: 1914–1916*, 2nd ed., ed. G.H. von Wright and G.E.M. Anscombe (Chicago: University of Chicago Press, 1979), p. 47.

³⁴Philip Johnston, “Bulger’s killers had ‘unfair trial’,” *The Telegraph* (December 17, 1999). Fergus is James Bulger’s mother.

³⁵See *JamesBulger.org*; see also *Guardian Unlimited*, “The Bulger Case,” www.guardianunlimited.co.uk/bulger.

³⁶See Philip Johnston, “Lords quash 15-year jail minimum for Bulger pair,” *The Telegraph* (June 13, 1997).

Commission of Human Rights voted that Bulger's murderers were given an unfair trial in violation of Article 6 of the European Convention on Human Rights. The European Court of Human Rights affirmed this assessment in December, and ruled that Thompson and Venables deserved 18,000 and 32,000 pounds, respectively, for legal costs; it further ruled that the Home Secretary's discretion in sentencing Thompson and Venables was unlawful.³⁷ Home Secretary Jack Straw then referred the matter to Lord Chief Justice Woolf, who amended the murderers' sentence to a term that would summarily expire. On June 21, 2001, they were ordered released.³⁸

In the Bulger case, we see the cultural wreckage that results from judicial interventionism exacerbated by the foreign nature of the intervening judiciary. To answer Wittgenstein's question, Eurocratic kritarchy means that domestic matters of the highest delicacy will be resolved not by domestic institutions, but by alien authorities transcendent of popular control. What this means is that English autonomy is at an end, and that centuries of political-cultural tradition are shells. It constitutes nothing less than the liquidation of a historical identity and an ontological fracture upon a people.

CONCLUSION

Beware. Watch out. Be concerned. Courts can be dangerous and evil institutions in the hands of the wrong people.
– Alan Dershowitz³⁹

Not only did he regard liberty as supremely important; he knew that it needs ceaseless defending. – A.J.P. Taylor, on Thomas Macaulay⁴⁰

As a young political power, America is often counseled to learn from the experiences of other nations. When it comes to the course of federal unions, however, America has much to teach the world, and England in particular. The swift erosion of American federalism

³⁷See Terence Shaw, "The judgment: Trial breached killers' human rights," *The Telegraph* (December 17, 1999).

³⁸See Sean O'Neill, "Bulger murderers to be released by the end of June," *The Telegraph* (April 27, 2001); also *JamesBulger.org*.

³⁹Alan Dershowitz, remarks at New York University School of Law panel discussion of Richard North Patterson's *Protect and Defend*, Feb. 12, 2001.

⁴⁰Quoted in Powell, *The Triumph of Liberty*, p. 261.

into oligarchic rule by judges is being replicated and intensified in Europe.

Prescriptively, England should pursue a comprehensive campaign of devolution entailing withdrawal from the European Union and recognition of autonomy for those United Kingdom members desiring self-determination. Such a coherent strategy will promote freedom within the UK and undercut the EU’s juridical juggernaut. Continued acquiescence to Eurocratic tyranny will only further reduce England and the rest of Europe to a colonial condition by this at once revolutionary and trite ontology.

BIBLIOGRAPHY

- “A Constitution for the European Union.” *The Economist* (October 28–November 3, 2000).
- Booth, Cherie, and Rabinder Singh. “Law that will turn dreams of equality into reality.” *The Telegraph* (August 7, 2000).
- Campos, Paul F. *Jurismania: The Madness of American Law*. New York: Oxford University Press, 1998.
- Davis, Jefferson. *The Rise and Fall of the Confederate Government*. New York: Da Capo Press, 1990.
- Dershowitz, Alan. New York University School of Law panel discussion of Richard North Patterson’s *Protect and Defend*, Feb. 12, 2001.
- “Draft charter of the fundamental rights of the European Union.” *The Telegraph* (September 21, 2000).
- European Union. “Press Release” (December 7, 2000).
- Flood, Charles Bracelen. *Lee: The Last Years*. New York: Houghton Mifflin, 1998.
- “Here’s a Nice mess.” *The Telegraph* (December 10, 2000).
- Hitchens, Peter. *The Abolition of Britain: From Winston Churchill to Princess Diana*. San Francisco: Encounter Books, 2000.
- . “Geoff Metcalf Interviews Author Peter Hitchens on the End of England.” *WorldNetDaily.com* (January 21, 2001).
- JamesBulger.org*.
- Jefferson, Thomas. *Notes on the State of Virginia*. In *Thomas Jefferson: Selected Writings*, edited by Harvey C. Mansfield, Jr. Arlington Heights, Ill.: Harlan Davidson, 1979.

Journal of Libertarian Studies

- Johnston, Philip. "Lords quash 15-year jail minimum for Bulger pair." *The Telegraph* (June 13, 1997).
- . "Bulger's killers had 'unfair trial'." *The Telegraph* (December 17, 1999).
- Kantor, Myles. "The Senate Abolitionists." *LewRockwell.com* (January 3, 2001).
- . "James Madison's Ambivalent Architecture." *LewRockwell.com* (March 22, 2001).
- . "Union and Bondage." *Mises.org* (April 12, 2001).
- Ketcham, Ralph, ed. *The Anti-Federalist Papers and the Constitutional Convention Debates*. New York: Mentor, 1986.
- Lister, Frederick K. *The European Union, the United Nations, and the Revival of Confederal Governance*. Westport, Conn.: Greenwood Press, 1996.
- Madison, James. *Federalist No. 39*. In *The Federalist Papers*, edited by Clinton Rossiter. New York: Mentor, 1999.
- Major, John. "Britain may come to regret Blair's Euro-army muddle." *The Daily Telegraph* (May 18, 2001).
- McCormick, John. *The European Union: Politics and Policies*. 2nd ed. Boulder, Colo.: Westview Press, 1999.
- McDonald, Forrest. *States' Rights and the Union: Imperium in Imperio, 1776–1876*. Lawrence: University Press of Kansas, 2000.
- O'Neill, Sean. "Bulger murderers to be released by the end of June." *The Telegraph* (April 27, 2001).
- Pannick, David. "What could be more British?" *The Times* (October 3, 2000).
- Powell, Jim. *The Triumph of Liberty*. New York: Free Press, 2000.
- Rozenberg, Joshua. "Judges strike the rights balance." *The Telegraph* (December 19, 2000).
- . "Paid leave a right, EU lawyer says." *The Telegraph* (February 9, 2001).
- Scruton, Roger. "Don't let Blair ruin it." *The Spectator* (April 1, 2000).
- Shaw, Terence. "The judgment: Trial breached killers' human rights." *The Telegraph* (December 17, 1999).
- Texas State Library and Archives Commission. "The Reconstruction Acts: 1867." www.tsl.state.tx.us.
- "The Bulger Case." www.guardianunlimited.co.uk/bulger.

Myles B. Kantor – The European Union’s American Pedigree

Thomas, Emory. *Robert E. Lee: A Biography*. New York: W.W. Norton, 1997.

U.S. Department of Housing and Urban Deveopment. “Fair Housing and Equal Opportunity: Fair Housing Act.” www.hud.gov.

Wills, Garry. *A Necessary Evil: A History of American Distrust of Government*. New York: Simon and Schuster, 1999.

Wittgenstein, Ludwig. *Notebooks: 1914–1916*. 2nd ed. Edited by G.H. von Wright and G.E.M. Anscombe. Chicago: University of Chicago Press, 1979.