

The Start of a New Government

The purpose of this document is to establish a proof of concept that a government created in accordance with the 21st Century Constitution can perform the functions of government. There are many possible starting scenarios. Only one is required for a proof of concept. Since it not likely that the 21st Century Constitution will be ratified for at least several decades, reference to technology in the following discussion has been kept to a minimum and somewhat vague because it is not possible to anticipate the changes new technology make in the way citizens interact that far into the future. One aspect of governance that is not expected to change is the need to have at least some meetings in the Washington, D.C. area because of the need to keep information in secure facilities that Representatives and their staff members will need to access as part of reviewing information contained in the secure annexes of appropriations bills. It is possible that virtual reality technology may make the need for Representatives to meet in one location obsolete. It is assumed that quantum random number generators are used to implement selections since random number generating circuit boards already exist. It is also assumed that the Internal Revenue research database is used to generate selection pools since it contains identification and contact information for every citizen who has submitted a tax form, which is almost all of the citizens eligible for selection. Given these caveats, what follows is one of many possible scenarios that is intended to serve as sufficient proof of concept.

It is January 1, and more than 150 days have passed since the ratification of the 21st Century Constitution. Twenty new Justices of the Supreme Court arrive at the Supreme Court Building in Washington, D.C. They have all been selected at random in accordance with the provisions in Article III of the new Constitution. Five will begin a two-year term in office, five will begin a four-year term in office, five will begin a six-year term in office, and five will begin an eight-year term in office. The departing Justices packed and left prior to Christmas during the December recess. Renovations are underway to provide office space for 11 new Justices and to install 11 large consoles on the wall behind the seats where nine Justices will sit when hearing case presentations. The Justices will decide on who will occupy the nine seats in the courtroom and who will be participating in the proceedings remotely from their offices. There is no oath of office under the new Constitution because there is no practical way to determine if a Justice has committed an act that is a violation of an oath or prescribe consequences for such an act other than impeachment. Instead, they will be bound to adhere to a code of conduct and a code of ethics that Congress shall create for which there is a prescribed mechanism for determining if violations have occurred and consequences if violations have occurred. There is no Chief Justice, but when duties require a Chief Justice, the Justices will decide among themselves who will

perform the duties as “Acting Chief Justice”. The Justices will begin reviewing cases on the court docket. The Justices will establish rules for deciding which cases appealed to the Supreme Court the court will hear.

The new President will begin Office also on January 1 at 16:00 hours Greenwich Mean Time. They will meet with the departing President or Acting President who will state “I am prepared to be relieved” to which the new President will respond “In accordance with the Constitution of the United States, I relieve you”. There is no oath of office since there is no practical way to determine if the President has violated their oath for which the only possible recourse is impeachment in the case of violation. Congress will establish a code of conduct and a code of ethics for the President for which there is a procedure for determining if a violation has occurred and consequence in the event that a violation is determined to have occurred. Under the current Constitution, there is nothing that prevents a President from turning the White House into a bordello. Under the 21st Century Constitution, Congress has the means via the Presidential Code of Conduct to prevent any such event from happening.

The new President will then begin their duties which will include a transfer of the nuclear football and a briefing from the members of the National Security Council. Other briefings will be given as specified by the new President. Since there is no Vice President, Blair House will be used exclusively for visiting dignitaries.

The new 435 U.S. Representatives arrive in the Washington, D. C. area some time before January 1 to find housing and schools for those who have children of school age. Among them, one has been selected at random to serve as Acting Speaker. When they assemble in the Congress Chamber (formerly House Chamber) of the Capitol building after lunch for the first opening session, the Acting Speaker moves to the podium and calls the Congress into session and announces that as a first order of business a Rules Committee will be assembled by random selection of 15 Representatives present. A computer containing a quantum random number generator selects the names of the 15 Representatives and sends the list to the Acting Speaker’s government issued portable display device who reads them out to the Congress. The Acting Speaker then directs the members of the Rules Committee to depart to the pre-reserved conference room where they will establish rules for selecting a Speaker (Under the new Constitution, none of the House Rules (HRs) exist so an entirely new set of rules of business needs to be established including how to select a Speaker). As a second order of business, the Acting Speaker directs the remaining Representatives to consider the creation of codes of conduct and codes of ethics for the President and the Supreme Court Justices, a procedure for determining if violations have occurred, and consequences if violations have been

determined to have occurred. When the Rules Committee has decided on proposed rules for selecting a Speaker, the Acting Speaker is notified. The proposed rules are sent to each Representative's portable display device and the Acting Speaker adjourns the session of Congress for an hour to give the Representatives time to review the proposed rules for selecting a Speaker. When the session resumes, the Acting Speaker calls for a vote. A simple majority is required to adopt the rules. The proposed rules are considered acceptable and are established as CR1 (Congress Rule 1) by a significant majority. The rules are enacted, and a Speaker is selected for the first Congress under the new constitution. The Speaker takes the podium and makes a motion for the Rules Committee to establish a procedure for assembling an Appropriations Committee, a Ways and Means Committee, and a committee to develop codes of conduct and ethics for the President and Supreme Court Justices and a procedure for monitoring, evaluating, and reporting code violations. The motion is seconded, and a vote is held. By a unanimous vote, the motion passes and the Rules Committee adjourns to a conference room again to confer on their new task. The Rules Committee agenda includes an item to establish an organization that determines when Supreme Court Justices and Justices on federal courts inferior to the Supreme Court must recuse themselves from cases with authority to order recusals. Notification is sent to the President that a Speaker has been selected. After receiving the notification, the President sends a message of welcome to the Speaker and proposes a person-to-person meeting to establish national security and other briefings.

During the recess, Representatives follow the guided tour of the Capitol Building using the application installed on their portable display device. They see the renovations underway to the Senate Wing, the conversion of the Senate Chamber into the Constitutional Council Chamber, and Senate offices into office space for members of the Constitutional Council and conference rooms. They then use the application to find their way to their individual randomly assigned office. Senate offices have been reassigned to Representatives. When arriving at their offices, the new Representatives meet with their Staffs. The previous House and Senate staff have been dismissed and replaced with staff members with skills and expertise that are more suited to the work that will be done by the members of the new Congress.

Each Representative is assigned a staff manager (a mid-range GS-15) who is tasked with supervising the other staff members, managing the Representative's scheduling and agenda in addition to attending to the Representative's personal needs. The other staff members are a lawyer (SES-1) with knowledge of federal law, a technical writer (mid-range GS-14), two accountants (mid-range GS-14), a classified documents analyst (mid-range GS-14 with TS-SCI clearance), an Army logistics analyst (mid-range GS-14), a Navy, Marine Corps and Coast Guard logistics analyst (mid-range GS-14) an Air Force and Space Force

logistics analyst (mid-range GS-14) and three government civilian sector analysts (mid-range GS-14). These staff members are selected for the skills that are needed to assist Representatives perform the one required function of Congress, to fund the government through appropriations and taxation bills (a function that almost none of the current Representatives are performing). The Russell Senate Office Building and Dirksen Senate Office Building on Constitution Avenue will also be converted into additional office space and conference rooms for the Representatives and members of the Constitutional Council.

The Representatives have a full agenda starting from day 1 on January 1, though some will be checking their portable display devices for scores of their favorite college football bowl games. They will have many new Congress Rules to consider that among other things will create committees. The Representatives will participate on committees to which they join or are assigned, committees that resolve existing Continuing Resolutions into proposed appropriations bills, propose replacement bills for laws the Constitutional Council determines to be inconsistent with the new Constitution, or are unconstitutional under the new Constitution, committees that supervise government revenue (Ways and Means), committees that supervise government spending (Appropriations), and a committee to create a bill that establishes codes of conduct for the President and Supreme Court Justices. If the new Constitution does not contain Article II, Section II, Paragraph 12 regarding presidential authority to declassify information, Congress may create a bill to create a governmental organization that is given the exclusive power and responsibility to review and declassify information which presumably would be voted into law by the College of Delegates. Rules will also be needed to specify when and by whom a bill is sent to the Constitutional Council for review.

The members of the first Constitutional Council meet on January 1 in the Constitutional Council Chamber (formerly the Senate Chamber) in the Capitol building. The members agree to choose at random one of their members to server as the Chairman of the Constitutional Council and another member to server as Vice Chairman, and that on January 1 of each year, a new Chairman and Vice Chairman will be chosen from members who have not served in either capacity. The decisions are recorded in the Rules of Order for the Constitutional Council. The Vice Chairman serves as Chairman when the Chairman is not available or receives a written notification that from the Chairman to assume the duties as Acting Chairman. The Chairman resumes the duties of Chairman after giving written notification to the Acting Chairman that includes a date and time. The Chairman's first responsibility is to call meetings of the Constitutional Council to order. After choosing a Chairman and Vice Chairman, the Chairman calls the Council to order for the purpose of establishing an agenda. A list of proposed agenda items is generated from suggestions from the members. Included on the list is a review of the Budget and Impoundment Act of

1974 and the Reapportionment Act of 1929 due to their critical importance to the function of the new Congress. Each proposed agenda item is opened to discussion and voted on separately for inclusion on the agenda. After the list of agenda items is established, the members decide how many members should be assigned to review a given agenda item with a minimum of five members assigned to each, forming a review committee. Since there are fewer than eight items on the agenda, there is no need to prioritize them since the items can be reviewed concurrently. It is agreed that when a review has been completed, the Chairman will be notified, and the findings of the review committee posted on a shared server. The members of each review committee then choose a conference room from the list of available rooms on their portable devices and reserve meeting times. A rule is proposed and accepted by majority vote that if a review committee determines that an agenda item is constitutional, then no vote is required of the entire Constitutional Council, but for agenda items that a review committee determines to be unconstitutional, then a review document is posted for the agenda item specifying reasons for the unconstitutional determination. The Chairman then adds a vote by the Constitutional Council on the issue to the agenda that includes enough time for each member to evaluate the review committee's findings. The Chairman is the recipient of any proposed bills from Congress and requests from Congress to review existing law or Supreme Court cases where a law was determined to be unconstitutional. The Constitutional Council decides that review requests will be considered that are submitted by the President, the Supreme Court, State legislatures, State Courts, and State Governors, and creates a procedure for making submissions.