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November 15, 1983

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LE

Dear Professor Blaustein:

I'm sorry to be so late in answering your gracious letter. Thank you for enclosing a copy of that very strong advertisement which you and Bob D'Agostino ran during the campaign.

Your point about the line item veto is well taken. I strongly believe that if such a procedure were to be incorporated at the Federal level it would be of great benefit to the smooth working of our system. It remains to be seen whether legislation or a constitutional amendment is the best means of achieving this. You can be sure that we will continue to press for this overdue reform. Your own outstanding work in constitutional law makes your counsel and support especially welcome.

It was a pleasure to meet you after our luncheon back in July, and I am deeply grateful for your continuing counsel and support.

With all good wishes,

Sincerely,

A

RONALD REAGAN

Professor Albert P. Blaustein
School of Law
Rutgers University
Camden, New Jersey 08102

RR:PN:CMD:AVH:plr10PMN

Clear with OPD after typing

Re: veto Powers

831116

DRAFT/Date Oct. 18, 1983

RR/ ^{PN}PN / ^{PN}PN / PN / PN
(Drafter) (Rev. I) (Rev. II)

AVH/ _____ / _____

Dear Professor Blaustein:

SPECIAL INSTRUCTIONS:

Enclosures:

Other:

*Clear with OPD
after typing*

Clear

*s/pk
rt*

THE WHITE HOUSE
WASHINGTON

10-25-83

OPD -

White House Correspondence
would like review of this draft
on the line item veto.

Thanks for your help. We'd
like by COB Thurs.

CAD

94 6655

THE WHITE HOUSE
WASHINGTON

10/13

TO:

Bob Intitle

FROM:

Gahl L. Hodges
Social Secretary to
the White House
x7064

☒ Information

☒ Action

THE WHITE HOUSE
WASHINGTON

Date

10/14/83

TO:

Cune Higgins Phil

FROM:

ROBERT TUTTLE

Special Assistant to the President
Office of Presidential Personnel

SUBJECT:

COMMENTS:

Cune -

if you have not yet
received this - it probably
should be answered by
your office.
Jot



ALBERT P. BLAUSTEIN
PROFESSOR OF LAW

SCHOOL OF LAW

CAMDEN, NEW JERSEY 08102

(609) 757-6373

August 3, 1983

G. Hodges
FYI

Dear Mr. President:

I was most honored by your gracious invitation to join other members of the Key Support Group at the Briefing and Luncheon of July 26. And I was most pleased by the quality of both.

At some point during the various briefings, it was noted that anyone writing to the White House should first provide evidence of prior support for the Administration. Fortunately, this is a simple task and I enclose a copy of the advertisement which Robert D'Agostino and I prepared during the campaign.

As we shook hands at the end of the meeting, I promised to send you a note based upon one of your remarks. For you said at the luncheon that you wished you had the line or item veto powers which you had enjoyed as Governor of California.

Such provision exists in virtually every state and is something which should become an amendment to the United States Constitution. I know that President Eisenhower was enthusiastic about the idea but was told that it would never get through the Congress. But perhaps the time has come.

When most foreigners think of adopting an American constitutional idea, they think solely in terms of our national constitution. But our state constitutions also have contributions to make.

I was selected early last year as Counsel to the National Constitution Commission of Liberia and spent most of last year writing that Constitution. I send you a copy of the entire document and respectfully call your attention to Article 37 on the subject. Note that I have also inserted the companion provision that "No bill or resolution shall embrace more than one subject which shall be expressed in its title."

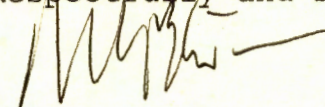
You may also be interested in Article 80(a) — something I fought very hard for. And because of the nature of that resolution, I also entrenched the two-term presidential term of office in Article 110.

page 2.

Again, my thanks for the privilege of meeting with you
at the White House.

Incidentally, I expect this is to happen again in connection
with one of the Constitutional Bicentennial programs scheduled for
September 12-16.

Respectfully and Sincerely,

A handwritten signature in dark ink, appearing to read 'A. Blaustein', with a horizontal line extending to the right.

Albert P. Blaustein

The President of the United States
White House
Washington, D.C.

APB:md

GOV RM 87 0E0B
THE WHITE HOUSE
DC 20500 07PM

Western
Union Mailgram

4-186101U188015 07/07/83 ICS WA08186
00019 MLTN VA 07/07/83

CMDB

MR. ALBERT BLAUSTEIN
RUTGERS LAW SCHOOL CAMDEN
5TH & PENN
CAMDEN, NJ 08102

ON BEHALF OF PRESIDENT REAGAN, I WISH TO INVITE YOU TO BRIEFINGS
BY MEMBERS OF THE WHITE HOUSE STAFF AND SELECTED CABINET MEMBERS
ON TUESDAY, JULY 26, 1983.

FOLLOWING THE BRIEFINGS, THERE WILL BE A LUNCHEON WITH THE
PRESIDENT IN THE STATE DINING ROOM AFTER WHICH THE PRESIDENT WILL
GIVE BRIEF REMARKS. IMMEDIATELY FOLLOWING THE LUNCHEON, THERE
WILL BE ADDITIONAL BRIEFINGS WHICH WILL TERMINATE AT 2:30 P.M.

THE PURPOSE OF THESE BRIEFINGS AND THE LUNCHEON IS TO GIVE THE
PRESIDENT'S KEY SUPPORTERS AN OVERVIEW OF THE ADMINISTRATION, ITS
ACCOMPLISHMENTS OF THE FIRST TWO AND A HALF YEARS AND ITS GOALS
FOR THE REMAINDER OF THE FIRST TERM.

PLEASE ARRIVE AT 9:15 A.M. AT THE PENNSYLVANIA AVENUE ENTRANCE OF
THE OLD EXECUTIVE OFFICE BUILDING. PLEASE REPLY AS QUICKLY AS
POSSIBLE TO: 202-456-7788. WE WILL NEED TO HAVE YOUR DATE OF
BIRTH AND SOCIAL SECURITY NUMBER.

GAHL L. HODGES
SOCIAL SECRETARY

21:18 EST

MGMCOMP

REPUBLICAN NATIONAL COMMITTEE
310 FIRST ST SE
WASHINGTON DC 20003

19-JUL-83 0240 5321 00131
19-JUL-83 0312 M896 WAS WU

ALBERT BLAUSTEIN
RUTGERS LAW SCH. -5TH & PENN.
CAMDEN,
NJ 08102

IN CONJUNCTION WITH THE BRIEFING AND LUNCHEON SCHEDULED AT THE WHITE HOUSE ON TUESDAY, JULY 26, 1983, I CORDIALLY INVITE YOU TO ATTEND A POLITICAL BRIEFING AT THE DWIGHT D. EISENHOWER REPUBLICAN CENTER IMMEDIATELY FOLLOWING THE WHITE HOUSE PROGRAM.

THE REPUBLICAN NATIONAL COMMITTEE WILL PROVIDE TRANSPORTATION FROM THE NORTHWEST GATE OF THE WHITE HOUSE AT 2:30 PM TO THE RNC, WHERE OUR BRIEFING WILL BEGIN AT 3:00 PM.

A RECEPTION WILL FOLLOW THE RNC BRIEFING. TRANSPORTATION WILL BE PROVIDED AFTER THE RECEPTION FOR GUESTS DESIRING TO RETURN TO A CONVENIENT LOCATION NEAR THE WHITE HOUSE TO MAKE CONNECTIONS WITH PERSONAL TRANSPORTATION.

PLEASE REPLY AS QUICKLY AS POSSIBLE TO 202/484-6726.

FRANK J. FAHRENKOPF, JR.
CHAIRMAN, REPUBLICAN NATIONAL COMMITTEE
310 FIRST STREET, S.E.
WASHINGTON, D.C. 20003

02723

WHY WE SUPPORT RONALD REAGAN

Statement of Law Deans and Professors

The question of appointments to the federal judiciary, particularly to the Supreme Court, has become a campaign issue of great importance. We are vitally concerned with the judicial appointments process and with the direction of the federal judiciary. The issue is not "liberal" vs. "conservative." The issue is how best to maintain the integrity of the federal courts. The cornerstone of that integrity is an independent federal judiciary which recognizes the supremacy of Congress, acting within its Constitutional powers, to determine questions of policy. This truth lies at the very core of the American democratic process.

We support Governor Ronald Reagan as the candidate most committed to an independent judiciary—a judiciary that is wise and strong enough to heed Felix Frankfurter's admonition, directed at the Supreme Court but applicable to all federal courts, that:

[The Supreme Court] must observe a fastidious regard for limitations on its own power, and this precludes the Court's giving effect to its own notions of what is wise or politic. That self-restraint is of the essence in the observation of the judicial oath, for the Constitution has not authorized the justices to sit in judgment on the wisdom of what Congress and the Executive Branch do. . . .

The willingness to exercise judicial self-

restraint is necessary and critical for all judicial appointees. That quality is lacking in many of the appointments made by President Carter.

Every President seeks to appoint judges with a philosophy broadly compatible with his own. This is one of a number of fair criteria. However, in the past three and one half years we have witnessed a partisanship in judicial selection that is unprecedented in recent times. President Carter has appointed almost 40% of all federal judges. In an authoritative study, the American Judicature Society found that the judicial selection process was permeated with partisan politics, with involvement in Democratic Party affairs, and with the Carter campaign.

The Supreme Court sets the tone and ultimately the philosophical limitations on the judiciary. The man who appoints members of the Supreme Court should share Felix Frankfurter's perspective that "History teaches that the independence of the judiciary is jeopardized when courts . . . assume primary responsibility in choosing between competing political, economic and social issues." We believe that Ronald Reagan will nominate judges of the highest caliber, male and female, black and white—judges who will act with judicial restraint and with an understanding that it is a Constitution, not a personal philosophy, they are sworn to expound.

COMMITTEE IN FORMATION (Affiliations listed for identification only)

Rhoda B. Billings Wake Forest University School of Law	Charles Fried Harvard Law School	Ronald C. Link University of North Carolina School of Law	Eugene V. Rostow Alexander Bickel Professor of Law, Yale Law School
Albert Blaustein Rutgers, Camden Law School	Richard Allan Gordon Georgetown University Law Center	Olan D. Lowrey Temple University School of Law	Antonin Scalia University of Chicago Law School
Robert H. Bork Alexander Bickel Professor of Law, Yale Law School	Lino Graglia Baker Professor of Law, University of Texas Law School	Richard Markus Harvard Law School	Jack Waltuch Former Legal Advisor, Foreign Ministry, Israel; Presently, Delaware Law School
Pasco M. Bowman Dean, University of Missouri — Kansas City	John W. Hager University of Tulsa College of Law	Frederick H. Miller University of Oklahoma Law School	Arthur A. Weeks Professor and former Dean, Cumberland School of Law and Delaware Law School
Robert D'Agostino Associate Dean, Delaware Law School	William F. Harvey Professor and former Dean, Indiana Law School, Indianapolis	Edward J. Murphy Notre Dame Law School	Charles Alan Wright Bates Professor of Law, University of Texas School of Law
		Charles E. Rice Notre Dame Law School	

We hope that you will return this coupon allowing us to list your name in similar messages. Please do not send contributions.

Law Professors and Deans for Reagan
901 South Highland Street
Arlington, Virginia 22204
You may list my name as a member of Law Professors and Deans for Reagan
Name.....
Affiliation (for identification).....
Address.....
.....



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, FIRST SESSION

Vol. 129

WASHINGTON, WEDNESDAY, APRIL 13, 1983

E 1512

No. 46

Blaustein: Rewriting the world's constitutions



DR. BLAUSTEIN WORLD'S FOREMOST AUTHORITY ON CONSTITUTIONS INTERVIEWED

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 12, 1983

● Mr. FORSYTHE. Mr. Speaker, earlier this year, Dr. Albert P. Blaustein, a professor of law at Rutgers School of Law in Camden, N.J., was interviewed by the Washington Times newspaper because of his expertise as one of the world's foremost authorities on the constitutions of the world. He has personally assisted with the drafting or rewriting of six Third World country constitutions. The National Constitution Commission of Liberia has just now approved his constitutional draft for their country. I would like to share with you today Dr. Blaustein's February 9, 1983 interview with the Washington Times.

Q: How is it that you came to be involved with drafting the constitution of a country such as Liberia?

A: It started back in 1966 when the U.S. Information Agency asked me to buy a library of French and American law books which the Vietnamese could use as a backstop for drawing up a new constitution. The Vietnamese had asked for support from the United States in the sense of having various books dealing with the American Constitution, since that was the model they were interested in. Among other things, the Vietnamese asked for a French version of our constitution because this was the language of their professors.

After getting the books, I went to Vietnam to work with the development of a new Supreme Court, which also was to have been built on the American model. There I met with the people who had worked on the constitution using the books I sent and I realized the need to have a set of books which would have the constitutions of all the different countries in the world, so that one might pick and choose—get different ideas. That's when I started this book on constitutions of the world, which is now 16 volumes and growing.

Three years later, I met with Long Broet, the Prime Minister of Cambodia, in New

York and he asked me to work on a new constitution for Cambodia. Unfortunately, Cambodia fell shortly thereafter and all the work I did there disappeared.

My third constitutional involvement was to help prepare a new constitution for Bangladesh after it gained its independence from Pakistan. It was a frustrating experience because Kamal Hossain had with him the constitutions of both Pakistan and India, and even though I had brought him the constitutions of many other countries to look at, he was constrained to have a British parliamentary structure such as existed in Pakistan and India. That's what their lawyers knew and were interested in.

Next I was involved in the new Peruvian constitution. What happened there, unfortunately was that the members of the legislature would say we need this and we need that, so the thing was put together like a prefabricated henhouse. There are duplications and contradictions which, if Peru had a judicial system like ours, would be declared unconstitutional. It seems that Latin Americans do not approach constitutions as legalistically as we do.

Then came my participation in hammering out the constitution of Zimbabwe, and after that came the Liberian experience.

Q: Since both Zimbabwe and Liberia are African nations, perhaps you could go into

more details?

A: In Zimbabwe, Bishop A. T. Muzorewa was head of a black coalition, which had been elected to replace the white government of Ian Smith and draw up a new constitution. The Patriotic Front of Robert Mugabe and Joshua Nkoma was still continuing the war, but finally all the various groups agreed to meet at Lancaster House in England.

Q: What's Lancaster House?

A: That's where all the British colonies meet to hammer out their constitutions.

Mugabe and Nkoma came with their own lawyers and they spoke directly to the British government. Ian Smith had with him a coterie of lawyers who had worked on the previous constitutions of Rhodesia, and Muzorewa came with a group of black lawyers, including a Muslim from Canada. My function was to serve as someone who knew something about the Third World and could act as a computer on world constitutions.

Most of my work in Zimbabwe was overcoming the whites headed by Ian Smith who wanted to put things into the constitution which had to be beaten down in advance, such as wanting both the army and judiciary to be completely separate from the political process. That would not only be dangerous in terms of judges, it would be even worse in terms of the military. We had a big fight with Smith's lawyers about the right of the Prime Minister to appoint the chief of the armed forces.

In America, the Senate has to approve appointment of anyone the rank of general or above. But in a small country where there may not be so many generals, it might be preferable to modify that to apply to colonels and above.

Q: When you are starting from scratch like that, where do you begin?

A: There is no simple answer. In the Zimbabwe situation, Muzorewa felt that his people would be overshadowed in terms of constitutional experience by Smith's lawyers, so he called and asked me to come to London to help them, which I did.

Why did the people of Zimbabwe continue to fight against white rule? It wasn't because the white man was denying them habeas corpus or interfering with their right to privacy, they were fighting for land. In other words, at what point can you take property from the private owners and give it to the general public. This was something that was very important to the black groups. They wanted some constitutional right to property and were very wary of anything in there that might take it away.

I was frustrated a bit by Ian Smith whose intransigence caused much bad feeling and caused people to want to go to the opposite extreme.

Every once in awhile Africans say to me that this constitution was forced on the black majority. I say it wasn't forced, but we did make compromises in order to end the war, such as provisions which prohibit certain parts of the constitution from being amended for a set number of years. That raises an interesting question: Can you put something in the constitution that says a certain part cannot be amended?

Q: Isn't that just a temporary freeze to help stabilize a volatile situation?

A: Yes.

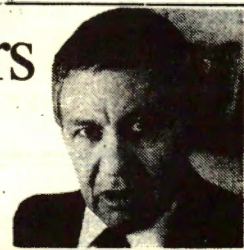
Q: Then it's not altogether bad.

A: No, it's not. Interestingly, in South Africa there is one thing in their constitution that is frozen; everything will be in both English and Afrikaans. That bilingual right cannot be changed.

Q: What about your work on the Liberian constitution?

A: The reason I'm so excited about the Liberian experience is because I've never met so many people who were open to new ideas.

Constitution writers turn to Blaustein for expertise



If you recall, the government of William Tolbert was overthrown by a military group headed by then Master-sergeant Sam Doe, who said that he was not desirous of dictatorial powers but wanted to return the country to civilian rule as soon as possible and create a national commission to write the constitution. I had met Winston Tubman, the ambassador of Liberia to the U.N., and he recommended me to the commission.

We immediately started a survey, traveling all over the country to question people about what they wanted and did not want, how they would like to see things change and so forth.

This data was sent to me at my office in Rutgers University and I met with members of the commission to discuss things. In March I went to visit Liberia and began working with the commission to draft the new constitution.

One section I thought was very important deal with emergency powers, since we had a military dictatorship. My proposal to them were that within 48 hours of a declared emergency a written presentation of the crisis must be submitted to the Parliament, which cannot be dissolved during an emergency, nor can there be any constitutional amendments or a suspension of habeas corpus at that time.

The fattest thing in the draft which they drew up was a section called miscellaneous. I spent a lot of time with a young man named Philip Banks, who acted as the detail person, figuring out where to put everything.

Some Englishmen looked at the first draft, but their reaction was that it was too American, too general. The British are much more legislatively oriented than we are—we're more judicially oriented—and they have a penchant for spelling everything out in great detail. Things which require court orders, like searches and seizures, bother the British terribly because under their system Parliament makes those decisions.

But it had to have a certain American structure because that's what they were interested in. They have 150 years of American Supreme Court decisions which they study in their law schools, so you can't divorce yourself from that. The prior Liberian constitution, written by a Harvard law professor in 1847, was based on the Massachusetts Constitution.

I joked with them that they were more American than the Americans and that they had to open themselves up to new Third World ideas.

Q: When will the constitution be ready?

A: Probably by March or April it will go into a national referendum.

Q: Do you expect any parts to be controversial or rejected?

A: No, because where there were serious disputes we provided alternatives. I must emphasize again the openness with which they were willing to accept my ideas from overseas. Very different from the British.

One time I sat with a British lawyer and said, "My God, man, what is this" and he replied, "But professor, we always put that in an independence constitution." They wanted to use the same exact wording in Zimbabwe as they used in Ceylon (Sri Lanka) 22 years earlier. It's this kind of stubbornness they have.

Q: You mentioned that the new Liberian constitution was rather American in some respects. What about areas where it differs?

A: What we tried to do in the Liberian case was to pick up on the errors of other constitutions and be more clean-cut and precise. One example is the right to counsel from the moment of arrest. Now, we may take that for granted here, but in some parts of Liberia they still have "trial by ordeal." A young woman might be accused of adultery, so they give her an emetic. If she throws up, she's guilty. You can't enshrine that into a national constitution.

We also made provisions, however, for tribal chiefs to legally represent their people, even though they are not elected. These things go beyond the American way of thinking.

This is not a prefabricated henhouse a section from Peru here, a part from Zimbabwe there, a piece from West Germany over there—but rather leads to precedent type thinking.

At the reception a colonel got up and said, "Make sure there is a provision to prevent a Communist Party." Well, the Communist Party was specifically prohibited under the laws of South Vietnam, but it led to much distaste and abuse. If you didn't like someone or wanted to get rid of someone, just call him a communist.

On the other hand, the phraseology of the (West) German constitution prohibits extreme parties at either end of the political spectrum, a direct response to the Hitler problem. It was a very valuable precedent.

Some of things that people think they want in a constitution are simply outrageous. For instance, if you took a survey in America today on what people want in regards to capital punishment, most of what you would get would be hopelessly unconstitutional.

The idea of a constitution is not simply to give the majority rule, it's to protect the rights of the minority. Freedom of speech is really the freedom to say things that may be unpopular or disagreeable. You cannot accede to the wishes of the common man in all things.

A real masterstroke of our constitution is the right to know, the right to information. This includes academic freedom and specifically states that libraries will exist to preserve that information, which is something you won't find in any other constitution. The Liberian commission was very excited about some of these ideas. ●

Article 37 Each bill or resolution which shall have passed both houses of the Legislature shall, before it becomes law, be laid before the President for his approval. If he grants approval, it shall become law. If the President does not approve such bill or resolution, he shall return it, with his objections, to the house in which it originated. In so doing, the President may disapprove of the entire bill or resolution or any item or items thereof. This veto may be overridden by the repassage of such bill, resolution or item thereof by a vote of two-thirds of the members voting in each house, in which case it shall become law. If the President does not return the bill or resolution within twenty days after the same shall have been laid before him it shall become law in like manner as if he had signed it, unless the Legislature by adjournment prevents its return.

No bill or resolution shall embrace more than one subject which shall be expressed in its title.



DRAFT CONSTITUTION SPECIAL

LIBERIAN INFORMATION CENTER, EMBASSY OF THE REP. OF LIBERIA

5201 Sixteenth St. N.W.
Washington, D.C. 20011

"As citizens of this nation, irrespective of our present positions, we too have the responsibility to ensure the successful conclusion of this document which must guide the destiny of Liberians, for centuries to come.

In this connection, we will be contributing our views on the issues raised therein, for the consideration of the NATIONAL CONSTITUTION COMMISSION".

**Commander-In-Chief Samuel K. Doe
Head of State,
Chairman, People's Redemption Council
Republic of Liberia (March 30, 1983)**



Turning Point - Head of State and Chairman of the People's Redemption Council, CIC Samuel Kanyon Doe (right) receiving the historic document from the Chairman of the 25-member Constitution Drafting Commission, Dr. Amos Sawyer, in the Executive Mansion parlours on Wednesday, March 30, 1983.

THIS IS YOUR FUTURE

ACT NOW!

THE HEAD OF STATE CHAIRMAN SAMUEL K. DOE HAS AUTHORIZED THE NATIONAL CONSTITUTION COMMISSION TO RELEASE THE DRAFT CONSTITUTION TO THE PRESS SO THAT A NATIONAL DEBATE ON ITS CONTENT WILL BEGIN AS SOON AS POSSIBLE.

THE NATIONAL DEBATE IS TO BE FOLLOWED BY THE SETTING UP A NATIONAL CONSTITUTION ADVISORY COMMITTEE WHICH WILL EXAMINE THE DRAFT CONSTITUTION WITHIN THE FRAMEWORK OF THE WISHES AND DESIRES OF THE PEOPLE, WHO WILL ELECT MEMBERS TO THE NATIONAL CONSTITUTION ADVISORY COMMITTEE.

FOLLOWING THE WORK OF THE ADVISORY COMMITTEE, THERE WILL BE A NATIONAL REFERENDUM PRIOR TO GENERAL ELECTIONS.

YOU ARE URGED TO READ THIS DOCUMENT CAREFULLY AND SEND ALL YOUR COMMENTS, SUGGESTIONS AND CRITICISMS TO:

THE NATIONAL CONSTITUTION COMMISSION,
O A U VILLAGE
P.O. BOX 2860
MONROVIA, LIBERIA
OR THROUGH THE VARIOUS NEWSPAPERS IN LIBERIA



NATIONAL CONSTITUTION COMMISSION

O.A.U. VILLAGE, VIRGINIA P.O. BOX 2860 MONROVIA, LIBERIA

DRAFT CONSTITUTION OF THE REPUBLIC OF LIBERIA

PRESENTED TO THE PEOPLE'S REDEMPTION COUNCIL MARCH 30, 1983

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CONSTITUTION OF THE REPUBLIC OF LIBERIA ARRANGEMENT OF ARTICLES

PREAMBLE

CHAPTER I

STRUCTURE OF THE STATE

Article

1. Power of the People
2. Supremacy of the Constitution
3. Counties of the Republic and Form and Branches of Government

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- 31. Establishment of Legislature and Houses
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- 47. Term of Office of Senators
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PREAMBLE

We the People of the Republic of Liberia, Recognizing from many experiences during the course of our national existence that all of our People, irrespective of their history, traditions or ethnic background, are part of one common body politic,

Acknowledging our gratitude to God, and acting within the exercise of our natural, inherent and inalienable right to establish a framework of government for the purpose of promoting unity, stability, peace, concord and tranquility, liberty, equality, justice and human rights under the rule of law with opportunities for political, social, economic and cultural advancement for ourselves and for our posterity, and,

Being solemnly resolved to live in harmony, to practice fraternal love, tolerance and understanding as a people, fully mindful of our obligation to promote African unity, international peace and cooperation,

Do hereby solemnly make, enact, establish and proclaim this Constitution for the Republic of Liberia.

CHAPTER I

STRUCTURE OF THE STATE

Article 1 All power is inherent in the people. All free governments are instituted by their authority and for their benefit and they have the right to alter and reform the same when their safety and happiness so require. In order to ensure democratic government which responds to the wishes of the governed, the people shall have the right at such period, and in such manner as provided for under this Constitution, to cause their public servants to leave office and to fill vacancies by regular elections.

Article 2 This Constitution is the supreme and fundamental law of Liberia and its provisions shall have binding force on all authorities and persons throughout the Republic. Any laws, treaties, statutes, decrees and regulations found to be in-

consistent with it shall to the extent of the inconsistency be void and of no legal effect. The Judiciary, pursuant to its power of judicial review, is empowered to declare any inconsistent laws to be unconstitutional.

Article 3 Liberia is a unitary sovereign state divided into counties for administrative purposes. The form of government is Republican with three separate coordinate branches: the Legislative, the Executive and the Judiciary. Consistent with the principles of separation of powers and checks and balances, no person holding office in one of these branches shall hold office in or exercise any of the powers assigned to either of the other two branches; and no person holding office in one of the said branches shall serve on any of the Autonomous Public Agencies.

CHAPTER II

GENERAL PRINCIPLES OF NATIONAL POLICY

Article 4 The principles contained in this Chapter, except as otherwise provided for in this Constitution, shall not be enforceable by any court, but shall nevertheless be fundamental in the governance of the Republic and shall serve as guidelines in the formulation of legislative, executive and administrative directives and policy-making and their execution.

Article 5 The Republic shall:

- (a) aim at strengthening the national integration and unity of the people of Liberia, regardless of ethnic, regional or other differences, into one body politic; and the Legislature shall enact laws promoting national unification and the encouragement of all citizens to participate in government;
- (b) preserve, protect and promote positive Liberian culture, ensuring that traditional values which are compatible with public policy and national pro-

gress are adopted and developed as an integral part of the growing needs of the Liberian society as a whole;

- (c) take steps, by appropriate legislation and decrees, to eliminate sectionalism and tribalism, and such abuses of power as the misuse of government resources, nepotism and all other corrupt practices.

Article 6 The Republic shall, because of the vital role assigned to the individual citizen under this Constitution for the social, economic and political well-being of Liberia, provide equal access to educational opportunities and facilities for all citizens to the extent of available resources. Emphasis shall be placed on the mass education of the Liberian people and the elimination of illiteracy.

Article 7 The Republic shall, consistent with the principles of individual freedom and social justice enshrined in this Con-

stitution, manage the national economy and the natural resources of Liberia in such manner as shall ensure the maximum feasible participation of Liberian citizens under conditions of equality as to advance the general welfare of the Liberian people and the economic development of Liberia as a whole. All government and private enterprises shall be subject to such principles.

Article 8 The Republic shall direct its policy towards ensuring for all citizens, without discrimination, opportunities for employment and livelihood under just and humane conditions, and towards promoting safety, health and welfare facilities in employment.

Article 9 The Republic shall encourage the promotion of bilateral and regional cooperation between and among Liberia and the other African nations and the formation and maintenance of regional organizations aimed at the cultural, social, political and economic development of the peoples of Africa.

Article 10 The Republic shall ensure the publication and dissemination of the Constitution throughout the Republic and the teaching of its principles and provisions in the institutions of learning in Liberia.

CHAPTER III

FUNDAMENTAL RIGHTS

Article 11 (a) All persons are born equally free and independent and have certain natural, inherent and inalienable rights, among which are the right of en-

joying and defending life and liberty, of pursuing and maintaining the security of the person and of acquiring, possessing and protecting property, subject to such qualifications as provided for in this Constitution.

(b) All persons, irrespective of ethnic background, race, sex, creed, place of origin or political opinion, are entitled to the fundamental rights and freedoms of the individual, subject to such qualifications as provided for in this Constitution.

(c) All persons are equal before the law and are therefore entitled to the equal protection of the law.

Article 12 No person shall be held in slavery or forced labor within the Republic, nor shall any citizen of Liberia nor any person resident therein deal in slaves or subject any other person to forced labor, debt bondage or peonage; but labor reasonably required in consequence of a court sentence or order conforming to acceptable labor standards, service in the military, work or service which forms part of normal civil obligations or service exacted in cases of emergency or calamity threatening the life or well-being of the community shall not be deemed forced labor.

Article 13 (a) Every person lawfully within the Republic shall have the right to move freely throughout Liberia, to reside in any part thereof and to leave therefrom subject however to the safeguarding of public security, public order, public health or morals or the rights and freedoms of others.

(b) Every Liberian citizen shall have the right to enter and to leave Liberia at any time and no Liberian citizen shall be expelled from Liberia or extradited to a foreign state for prosecution of a criminal offense. Non-Liberian residents may be expelled from Liberia or extradited to a foreign country for prosecution of a criminal offense in accordance with the provisions of an extradition treaty or other reciprocal international agreements.

Article 14 All persons shall be entitled to freedom of thought,

conscience and religion and no person shall be hindered in the enjoyment thereof except as may be required by law to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. All persons who in the practice of their religions conduct themselves peaceably, not obstructing others and conforming to the standards set out herein, shall be entitled to the protection of the law. No religious denomination or sect shall have any exclusive privilege or preference over any other, but all shall be treated alike; and no religious tests shall be required for any civil or military office or for the exercise of any civil right. Consistent with the principle of separation of church and state, the Republic shall establish no state religion, and no person, while serving as the leader of any religious denomination or faith shall at the same time hold any political office.

Article 15 (a) Every person shall have the right to freedom of expression. Being essential to the functioning of a free society, this is a preferred right which shall not be curtailed, restricted or enjoined by government save during an emergency declared in accordance with this Constitution.

(b) This right encompasses the people's right to hold opinions without interference and the right to knowledge. It includes freedom of speech and of the press, academic freedom to receive and impart knowledge and information and the right of libraries to make such knowledge available. It includes non-interference with the use of the mail, telephone and telegraph. It likewise includes the right to remain silent.

(c) In pursuance of this preferred right, there shall be no limitation on the public right to be informed about the government and its members.

(d) Access to state owned media shall not be denied because of any disagreement with or dislike of the ideas expressed, and denial of access may be appealed to a court of competent jurisdiction.

(e) This freedom may be limited only by judicial action in pro-

ceedings grounded in defamation or invasion of the rights of privacy and publicity or in the commercial aspect of expression in deception, false advertising and copyright infringement.

Article 16 No person shall be subjected to interference with his privacy of person, family, home or correspondence except by order of a court.

Article 17 All persons, at all times, in an orderly and peaceable manner, shall have the right to assemble and consult upon the common good, to instruct their representatives, to petition the Government or other functionaries for the redress of grievances and to associate fully with others or refuse to associate in political parties, trade unions and other organizations.

Article 18 All Liberian citizens shall have equal opportunity for work and employment regardless of sex, creed, religion, ethnic background, place of origin or political affiliation, and all shall be entitled to equal pay for equal work.

Article 19 No person other than members of the Armed Forces of Liberia or of the militia in active service shall be subject to military law, or made to suffer any pains or penalties by virtue of that law, or be tried by courts-martial.

Article 20 No person shall be deprived of life, liberty, security of the person, property, privilege or any other right except as the outcome of a hearing and judgment consistent with the provisions laid down in this Constitution and in accordance with due process of law. Justice shall be done without sale, denial or delay; and in all cases not arising in equity, in courts not of record, under courts-martial and upon impeachment, the parties shall have the right to trial by jury.

Article 21 (a) No person shall be made subject to any law or punishment which was not in effect at the time of commission of an offense, nor shall the Legislature enact any bill of attainder or ex post facto law.

(b) No person shall be subject to search or seizure of his person or property, whether on a criminal charge or for any other purpose, unless upon warrant lawfully issued upon probable cause supported by a solemn oath or affirmation, specifically identifying the person or place to be searched; provided, however, that a search or seizure shall be permissible without a search warrant where the arresting authorities act in conjunction with the commission of a crime or in hot pursuit of a person who has committed a crime.

(c) Every person suspected or accused of committing a crime shall immediately upon arrest be informed in detail of the charges, of the right to remain silent and of the fact that any statement made could be used against him in a court of law. Such person shall be entitled to counsel at every stage of the investigation and shall have the right not to be interrogated except in the presence of counsel. Any admission or other statements made by the accused in the absence of such counsel shall be deemed inadmissible as evidence in a court of law.

(d) (i) All accused persons shall be bailable upon their personal recognizance or by sufficient sureties, depending upon the gravity of the charge, unless charged for capital offenses or other grave offenses as defined by law.

(ii) Excessive bail shall not be required, nor excessive fines imposed, nor excessive punishment inflicted.

(e) No person charged, arrested, restricted, detained or otherwise held in confinement shall be subject to torture or inhumane treatment; nor shall any person, except military personnel, be kept or confined in any military facility; nor shall any person be seized and kept among convicted prisoners or treated as a convict, unless such person first shall have been convicted of a crime in a court of competent jurisdiction. The Legislature shall make it a criminal offense and provide for appropriate penalties against any police or security officer, prosecutor, administrator or any other public official acting in contravention of this provision;

and any person so damaged by the conduct of any such public official shall have a civil remedy therefore, exclusive of any criminal penalties imposed.

(f) Every person arrested or detained shall be formally charged and presented before a court of competent jurisdiction within forty-eight hours. Should the court determine the existence of a prima facie case against the accused, it shall issue a formal writ of arrest setting out the charge or charges and shall provide for a speedy trial. There shall be no preventive detention.

(g) The right of habeas corpus, being essential to the protection of human rights, shall be guaranteed at all times, and any person arrested or detained and not presented to court within the period specified may in consequence exercise this right.

(h) No person shall be held to answer for a capital or infamous crime except in cases of impeachment, cases arising in the Armed Forces and petty offenses, unless upon presentment of an information; and in all such cases, the accused shall have the right to a speedy, public and impartial trial by a jury of the vicinity, unless such person shall, with appropriate understanding, expressly waive the right to a jury trial. In all criminal cases, the accused shall have the right to be represented by counsel of his choice, to confront witnesses against him and to have compulsory process for obtaining witnesses in his favor. He shall not be compelled to furnish evidence against himself and he shall be presumed innocent until the contrary is proved beyond a reasonable doubt. No person shall be subject to double jeopardy.

(i) The right to counsel and the rights of counsel shall be inviolable. There shall be no interference with the lawyer-client relationship. In all trials, hearings, interrogatories and other proceedings where a person is accused of treason, a violation

of national security or any other criminal offense, the accused shall have the right to counsel of his choice; and where the accused is unable to secure such representation, the Republic shall make available legal aid services to ensure the protection

of his rights.

There shall be absolute immunity from any government sanctions or interference in the performance of legal services as a counsellor or advocate; lawyers' offices and homes shall not be searched or papers examined or taken save pursuant to a search warrant and court order; and no lawyer shall be prevented from or punished for providing legal services, regardless of the charges against or the guilt of his client. No lawyer shall be barred from practice for political reasons.

(j) Any person who, upon conviction of a criminal offense, was deprived of the enjoyment of his civil rights and liberties, shall have the same automatically restored upon serving the sentence or satisfying any other penalty imposed, or upon an executive pardon.

Article 22 (a) Every Liberian citizen has the right to own property alone as well as in association with others; provided that only Liberian citizens shall have the right to own real property within the Republic.

(b) Private property rights, however, shall not extend to any mineral resources on or beneath any land or to any lands under the seas and waterways of the Republic. All mineral resources in and under the seas and other waterways shall belong to the Republic and be used by and for the entire Republic.

(c) Non-citizen missionary, educational and other benevolent institutions shall have the right to own property, as long as that property is used for the purposes for which acquired; property no longer so used shall escheat to the Republic.

(d) The Republic may, on the basis of reciprocity, convey to a foreign government property to be used perpetually for its diplomatic activities. This land shall not be transferred or otherwise conveyed to any other party or used for any other purpose, except upon the expressed permission of the Government of Liberia. All property so conveyed may escheat to the Republic in the event of a cessation of diplomatic relations.

Article 23 (a) The property which a person possesses at the

time of marriage or which may afterwards be acquired as a result of one's own labors shall not be held for or otherwise applied to the liquidation of the debts or other obligations of the spouse, whether contracted before or after marriage; nor shall the property which by law is to be secured to a man or a woman be alienated or be controlled by that person's spouse save by free and voluntary consent.

(b) The Legislature shall enact laws to govern the devolution of estates and establish rights of inheritance and descent for spouses of both statutory and customary marriages so as to give adequate protection to the surviving spouses and children of such marriages.

Article 24 (a) While the inviolability of private property shall be guaranteed by the Republic, expropriation may be authorized for the security of the nation in the event of armed conflict or where the public health and safety are endangered or for any other public purposes, provided:

(i) that reasons for such expropriation are given;

(ii) that there is prompt payment of just compensation;

(iii) that such expropriation or the compensation offered may be challenged freely by the owner of the property in a court of law with no penalty for having brought such action; and

(iv) that when property taken for public use ceases to be so used, the Republic shall accord the former owner or those entitled to the property through such owner, the right of first refusal to reacquire the property.

(b) All real property held by a person whose certificate of naturalization has been cancelled shall escheat to the Republic, unless such person shall have a spouse and-or lineal heirs who are Liberian citizens, in which case the real property shall be transferred to them in accordance with the intestacy law.

(c) The power of the Legislature to provide punishment for treason or other crimes shall not include a deprivation or forfeiture of the right of inheritance, although its enjoyment by the convicted person shall be postponed during a term

of imprisonment judicially imposed; provided that if the convicted person has minor children, the spouse or other relatives in the absence of a spouse, shall administer the same. No punishment shall preclude the inheritance, enjoyment or forfeiture by others entitled thereto of any property which the convicted person at the time of conviction or subsequent thereto may have possessed.

Article 25 Obligation of contract shall be guaranteed by the Republic and no laws shall be passed which might impair this right.

Article 26 Where any person or any association alleges that any of the rights granted under this Constitution or any legislation or directives are constitutionally contravened, that person or association may invoke the privilege and benefit of court direction or order or writ, including a judgment of unconstitutionality; and anyone injured by an act of the Government or any person acting under its authority, whether in property, contract, tort or otherwise, shall have the right to bring suit for appropriate redress. All such suits brought against the Government shall originate in a Claims Court; appeals from judgments of the Claims Court shall lie directly to the Supreme Court.

CHAPTER IV CITIZENSHIP

Article 27 (a) All persons who on the coming into force of this Constitution were lawfully citizens of Liberia shall continue to be Liberian citizens.

(b) In order to preserve, foster and maintain the positive African culture, values and character of Liberia, only persons who are Negro or of Negro descent shall qualify by birth or by naturalization to be citizens of Liberia.

(c) The Legislature shall, adhering to the above standard, prescribe such other qualification criteria for and the procedures by which naturalization may be obtained.

Article 28 Any person, at least one of whose parents was at the time of the person's birth a citizen of Liberia, shall be a citizen of Liberia; provided that where such person shall have acquired the citizenship of another country by virtue of having been born in that country or by virtue of one parent being a citizen of another country, that person must, upon attaining the age of eighteen years, renounce any other citizenship so acquired. Such declaration shall be made before a circuit court in Liberia or before a consular officer of the Republic, if made outside Liberia. A failure to make such renunciation within one year after attaining such age shall result in the forfeiture of Liberian citizenship.

Article 29 (a) No citizen of the Republic shall be deprived of citizenship or nationality of Liberia except as provided herein or by an act of the Legislature consistent with the provisions of this Constitution; and no person shall be denied the right to change citizenship or nationality.

(b) No Liberian female citizen, who by marriage acquires the citizenship of another country, shall lose her Liberian citizenship unless she renounces it.

Article 30 On application made on behalf of the Republic by an authorized official of Government, the circuit court may deprive a citizen of Liberia of his citizenship, whether he be a Liberian by birth or naturalization, on any one or more of the following grounds, and with such exceptions as set forth below:

(a) acquiring the citizenship of another country; or taking an oath or making an affirmative or other formal declaration of allegiance to a foreign state voluntarily;

(b) exercising a free choice to enter or serve in the armed forces of a foreign state, unless prior thereto such entry or service was specifically authorized by the President or the Legislature;

(c) voting in a political election of a foreign country;

(d) acquiring Liberian citizenship by fraud, misrepresentation,

concealment of material facts or any other grossly improper or irregular practice; or

(e) making a formal renunciation of his Liberian citizenship before a diplomatic or consular officer of Liberia in a foreign state.

CHAPTER V THE LEGISLATURE

Article 31 The legislative power of the Republic shall be vested in the Legislature of Liberia which shall consist of two separate houses: A Senate and a House of Representatives, both of which must pass on all legislation. The enacting style shall be: "It is enacted by the Senate and House of Representatives of the Republic of Liberia in Legislature assembled."

Article 32 Citizens of Liberia who meet the following qualifications are eligible to become members of the Legislature:

(a) have attained the age of 25 years; and

(b) be domiciled in the constituency to be represented not less than one year prior to the time of seeking election.

Article 33 Each member of the Legislature, before taking his seat and entering upon the duties of office, shall take and subscribe to a solemn oath or affirmation, before the presiding officer of the house to which such person was elected and in the presence of other members of that house, to uphold and defend the Constitution of the Republic and to discharge faithfully the duties of such office.

Article 34 (a) The Legislature shall assemble in regular session once a year on the first working Monday in January and shall sit for not less than 180 working days.

(b) The President shall, on his own initiative or upon receipt of a certificate signed by at least twenty-five per cent of the total membership of each house, and by proclamation, extend a regular session of the Legislature beyond the date for adjournment or call a special or extraordinary session of that body to

discuss or act upon matters of national emergency and concern. When the extension or call is at the request of the Legislature, the proclamation shall be issued not later than forty-eight hours after receipt of the certificate by the President.

Article 35 A simple majority of each house shall constitute a quorum for the transaction of business, but a lower number may adjourn from day to day and compel the attendance of absent members. Whenever the House of Representatives and the Senate shall meet in joint session, the presiding officer of the House of Representatives shall preside.

Article 36 The Legislature shall have the power:

(a) to create new counties and other political sub-divisions, and readjust existing county boundaries;

(b) to provide for the security of the Republic;

(c) to provide for the common defense, to declare war and authorize the executive power to conclude peace; to raise and support the Armed Forces of the Republic, and to make appropriations therefor, provided that no appropriation of money for that use shall be for a longer

term than one year; and to make rules for the governance of the Armed Forces of the Republic;

(d) to lay and collect taxes, duties, imposts, excise and other revenues, to borrow money, to issue currency and mint coins, and to make appropriation for the governance of the Republic, subject to the following qualifications:

(i) all revenue bills, whether subsidies, charges, imposts, duties or taxes, and other financial bills, shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills. No financial charge shall be established, fixed, laid or levied on any individual, community or locality under any pretext whatsoever, except by legislative enactment;

(ii) no monies shall be drawn from the treasury except in consequence of appropriations made by legislative enactment and upon warrant of the President; and no coin shall be

minted or national currency issued except by the expressed authority of the Legislature. An annual statement and account of the receipt and expenditure of all public monies shall be submitted by the office of the President to the Legislature and published once a year;

(iii) no loans shall be raised by the Government on behalf of the Republic or guarantees given for any public institution or authority otherwise than by or under the authority of a legislative enactment;

(e) to constitute courts inferior to the Supreme Court, including circuit courts, claims courts and such other courts with such prescribed jurisdictional powers as may be deemed necessary for the proper administration of justice throughout the Republic; (f) to approve treaties, conventions and such other international agreements negotiated or signed on behalf of the Republic;

(g) to regulate trade and commerce between Liberia and other nations;

(h) to establish laws for citizenship, naturalization and residence;

(i) to enact the electoral laws;

(j) to establish various categories of criminal offenses and provide for the punishment thereof;

(k) to make all other laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the Republic, or in any department or officer thereof.

Article 37 Each bill or resolution which shall have passed both houses of the Legislature shall, before it becomes law, be laid before the President for his approval. If he grants approval, it shall become law. If the President does not approve such bill or resolution, he shall return it, with his objections, to the house in which it originated. In so doing, the President may disapprove of the entire bill or resolution or any item or items thereof. This veto may be overridden by the repassage of such bill, resolution or item thereof by a vote of two-thirds of the members voting in each house, in which case it shall become law. If the President does not return the bill or resolution

within twenty days after the same shall have been laid before him it shall become law in like manner as if he had signed it, unless the Legislature by adjournment prevents its return.

No bill or resolution shall embrace more than one subject which shall be expressed in its title.

Article 38 The Senators and Representatives shall receive from the Republic remuneration for their services to be fixed by law, provided that any increase shall become effective at the beginning of the next fiscal year.

Article 39 In the event of a vacancy in the Legislature caused by death, resignation, expulsion or otherwise, the presiding officer shall within 30 days notify the Electoral Commission thereof. The Electoral Commission shall not later than 90 days thereafter cause a by-election to be held; provided that where such vacancy occurs within three months prior to the holding of general elections, the filling of the vacancy shall await the holding of such general elections.

Article 40 Each house shall adopt its own rules of procedure, including the establishment of committees and subcommittees, provided, however, that the committees on revenues and appropriations shall consist of one member from each county. Each house shall enforce order, punish its members for unbecoming conduct, and with a vote of two-thirds of its

membership, may expel a member upon trial and conviction of a criminal offense in a court of law or for misconduct. All rules adopted by the Legislature and all actions taken shall conform to the requirements of due process of law laid down in this Constitution.

Each house shall publish a Journal of its proceedings and, should any five members request it, the vote of each member shall be recorded.

Article 41 The Legislature shall cause a census of the Republic to be undertaken every ten years.

Article 42 Neither house shall adjourn for more than five days without the consent of the other and both houses shall always sit in the same city.

Article 43 The business of the Legislature shall be conducted in the English language or, when adequate preparations shall have been made, in one or more of the languages of the Republic as the Legislature may by resolution approve.

Article 44 No member of the Senate or House of Representatives shall be arrested, detained, prosecuted or tried as a result of opinions expressed or votes cast in the exercise of the functions of his office. Members shall be privileged from arrest while attending at, going to or returning from sessions of the Legislature, except for treason, felony or breach of the peace. All acts done or performed or statements made in the chambers of the Legislature shall be privileged, and no legislator shall be punished therefor.

Article 45 The power to prepare a bill of impeachment is vested solely in the House of Representatives, and the power to try all impeachments is vested in the Senate. When the President, Vice-President or an associate justice is tried, the Chief Justice shall preside; when the Chief Justice, judges of subordinate courts or heads of autonomous commissions and agencies are tried, the most senior associate justice shall preside. No person shall be convicted but by the concurrence of two-thirds of the total membership of the Senate. Judgments in such cases shall not extend beyond removal from office and disqualification to hold public office in the Republic; but the party may be tried at law for the same offense. The Legislature shall prescribe the procedure for impeachment proceedings which shall be in conformity with the requirements of due process of law.

Article 46 Contempt of the Legislature shall consist of actions which obstruct the legislative functions or which obstruct or impede members or

officers of the Legislature in the discharge of their legislative duties and may be punished by the house concerned by reasonable sanctions after a hearing consistent with due process of law. No sanction shall extend beyond the session of the Legislature wherein it is imposed, and any sanction imposed shall conform to the provisions on Fundamental Rights laid down in this Constitution. Disputes between legislators and non-members which are properly cognizable in the courts shall not be entertained or heard in the Legislature.

Article 47 The Senate shall be composed of Senators elected for a term of eight years by the registered voters in each of the counties, but a Senator elected in a by-election to fill a vacancy created by death, resignation, expulsion or otherwise, shall be so elected to serve only the remainder of the unexpired term of office. Each county shall elect two Senators and each Senator shall have one vote in the Senate. Senators shall be eligible for re-election.

Article 48 Immediately after the Senate shall have assembled following the first election under this Constitution, the Senators shall by lot be divided as equally as possible into two classes, in no one of which shall the two Senators from a single county be placed. The seats of the Senators of the first class shall be vacated at the expiration of the fourth year, and of the second class at the expiration of the eighth year from being sworn into office. In the interest of legislative continuity, one-half of the Senators shall be chosen every fourth year.

Article 49 The Senate shall elect once every four years a President of the Senate who shall be the presiding officer of that body, a Vice-President of the Senate who shall preside in the absence of the President of the Senate, and such other officers as shall ensure the proper functioning of the Senate. The President, Vice-President and any other officers so elected may be removed from office for cause by resolution of a two-thirds majority of the members of the Senate.

Article 50 The House of Representatives shall be composed of members elected for a term of four years by the registered voters in each of the legislative constituencies of the counties, but a member of the House of Representatives elected in a by-election to fill a vacancy created by death, resignation, expulsion or otherwise, shall be elected to serve only the remainder of the unexpired term of the office. Members of the House of Representatives shall be eligible for re-election.

Article 51 The House of Representatives shall elect once every four years a Speaker who shall be the presiding officer of that body, a Deputy Speaker who shall preside in the absence of the Speaker, and such other officers as shall ensure the proper functioning of the House. The Speaker, the Deputy Speaker and any other officers so elected may be removed from office for cause by resolution of a two-thirds majority of the members of the House.

CHAPTER VI THE EXECUTIVE

Article 52 The executive power of the Republic shall be vested in the President who shall be Head of State, Head of Government and Commander In Chief of the Armed Forces of Liberia. The President shall be elected by universal adult suffrage of registered voters in the Republic and shall hold office for a term of four years commencing at noon on the third working Monday in January of the year immediately following the elections. No person shall be elected President for more than two consecutive terms. He may however be a candidate after the lapse of at least one term.

Article 53 There shall be a Vice-President who shall assist the President in the discharge of his functions. The Vice-President shall be elected on the same political ticket and shall serve the same term as the President. He shall attend meetings of

the cabinet and other governmental meetings and shall preside over such agencies and perform such functions as the President shall delegate or deem appropriate, provided that no powers specifically vested in the President by the provisions of this Constitution shall be delegated to the Vice President.

Article 54 No person shall be eligible to hold the office of President or Vice-President, unless that person is:

(a) a natural born Liberian citizen of not less than 35 years of age; and

(b) the owner of unencumbered real property valued at not less than twenty-five thousand dollars.

Article 55 The President and the Vice-President shall, before entering on the execution of the duties of their respective offices, take a solemn oath or affirmation to preserve, protect and defend the Constitution of the Republic and faithfully execute the duties of the office. The oath or affirmation shall be administered in joint convention of both houses of the Legislature by the Chief Justice or, in his absence, the most senior judicial officer.

Article 56 The President shall nominate and, with the consent of the Senate, appoint and commission:

(a) cabinet ministers, deputy and assistant cabinet ministers;

(b) ambassadors, ministers and consuls;

(c) the Chief Justice and associate justices of the Supreme Court and judges of courts of record from a panel submitted to him by the Judicial Service Commission;

(d) superintendents of counties from a list submitted to him by Committees of County Leaders; and

(e) members of the military from the rank of colonel or equivalent and above.

Article 57 (a) The Superintendents of counties shall:

(i) be appointed from a panel of not less than three nor more than five names submitted by the Committees of County Leaders. Each Committee of County

Leaders shall consist of the paramount chiefs within the county and one person from each legislative constituency chosen by the people of that constituency at the same time as election to the House of Representatives;

(ii) be responsible to the President to facilitate administration in the counties and shall exercise executive powers only. They shall be subject to dismissal by the President upon his own initiative or upon the recommendations of the Committees of County Leaders.

(b) the Committee of County Leaders shall meet at least twice each year to review developments in the county, and after taking a sounding of public opinion and holding consultations with the superintendent, may inform the President through the Minister of Internal Affairs and make recommendations to him regarding the development and administration of the county. The report shall be published not later than ninety days from the date of its presentation to the President.

Article 58 The President shall appoint;

(a) magistrates and justices of the peace from a list of names submitted by the Judicial Service Commission;

(b) notaries public and such other officers of state as shall be consistent with the operation of an independent civil service and the functions of the Public Service Commission. Notaries public shall hold office for a term of two years but may be removed by the President for just cause. They shall be eligible for reappointment.

Article 59 All cabinet ministers, deputy and assistant cabinet ministers, ambassadors, ministers and consuls, superintendents of counties and other government officials, both military and civilian, appointed by the President pursuant to this Constitution shall hold their offices at the pleasure of the President.

Article 60 The President shall have the power to conduct the foreign affairs of the Republic and in that connection he is empowered to conclude treaties,

registered legal personality, with the capacity to own property, real, personal or mixed, to sue and be sued and to hold accounts. A denial of registration or failure by the Electoral Commission to register any applicant may be challenged by the applicant in the Supreme Court;

(b) the membership of the association or the independent candidate's organization is open to every citizen of Liberia, irrespective of sex, religion or ethnic background;

(c) the headquarters of the association or independent candidate and his organization is situated:

(i) in the capital of the Republic where an association is involved or where an independent candidate seeks election to the office of President or Vice-President;

(ii) in the headquarters of the county where an independent candidate seeks election as a Senator; and

(iii) in the electoral center in the constituency where the candidate seeks election as a member of the House of Representatives or to any other public office;

(d) the name, objective, emblem or motto of the association or of the independent candidate and his organization is free from any religious connotations or divisive ethnic implications and that the activities of the association or independent candidate are not limited to a special group or, in the case of an association, limited to a particular geographic area of Liberia;

(e) the constitution and rules of the political party shall conform to the provisions of this Constitution, provide for the democratic elections of officers and-or governing body at least once every four years, and ensure the election of officers from as many of the regions and ethnic groupings in the country as possible. All amendments to the constitution or rules of a political party shall be registered with the Electoral Commission no later than ten days from the effective dates of such amendments.

Article 83 (a) Parties or organizations which, by reason of their aims or the behaviour of their adherents, seek to impair or abolish the free democratic

society of Liberia or to endanger the existence of the Republic shall be denied registration.

(b) Parties or organizations which retain, organize, train or equip any person or group of persons for the use or display of physical force or coercion in promoting any political objective or interest, or arouse reasonable apprehension that they are so organized, trained or equipped, shall be denied registration, or if registered, shall have their registration revoked.

Article 84 (a) Any citizen, political party, organization or association, being resident in Liberia, of Liberian nationality or origin, and not otherwise disqualified under the provisions of this Constitution, shall have the right to canvass for the votes for any political party or candidate at any election, provided that corporate and business organizations and labor unions are excluded from so canvassing, directly or indirectly in whatsoever form.

(b) A deposit, in an amount to be determined by the Electoral Commission, shall be paid by or on behalf of each candidate for an elective office, and said deposit shall be forfeited unless the candidate polls at least five percent of the total votes cast in an election.

Article 85 (a) Any citizen or citizens, political party, association or organization, being of Liberian nationality or origin, shall have the right to contribute to the funds or election expenses of any political party or candidate; provided that corporate and business organizations and labor unions shall be excluded from making any contribution to the funds or expenses of any political party. The Legislature shall by law prescribe the guidelines under which such contributions may be made and the maximum amount which may be contributed.

(b) No political party or organization may hold or possess any funds or other assets outside of Liberia; nor may they or any independent candidates retain any funds or assets remitted or sent to them from outside Liberia unless remitted or sent by Liberian citizens residing abroad. Any funds or other

assets received directly or indirectly in contravention of this restriction shall be paid over or transferred to the Electoral Commission within twenty-one days of receipt. Information on all funds received from abroad shall be filed promptly with the Electoral Commission.

(c) The Electoral Commission shall have the power to examine into and order certified audits of the financial transactions of political parties and independent candidates and their organizations. The Commission shall prescribe the kinds of records to be kept and the manner in which they shall be kept. The certified audits shall be conducted by a certified chartered public accountant, not a member of any political party.

Article 86 (a) Voting for the President, Vice-President, members of the Senate and members of the House of Representatives shall be conducted throughout the Republic on the second Sunday in October.

(b) All elections of public officers shall be determined by an absolute majority of the votes cast. If no candidate obtains an absolute majority in the first ballot, a second ballot shall be conducted on the second Sunday following. The two candidates who received the greatest numbers of votes on the first ballot shall be designated to participate in the run-off election.

(c) The returns of the elections shall be declared by the Electoral Commission not later than fifteen days after the casting of ballots. Any party or candidate who complains about the manner in which the elections were conducted or who challenges the results thereof shall have the right to file a complaint with the Electoral Commission. Such complaint must be filed not later than seven days after the announcement of the results of the elections.

The Electoral Commission shall, within thirty days of receipt of the complaint, conduct an impartial investigation and render a decision which may involve a dismissal of the complaint or a nullification of the election of a candidate. Any political party or independent candidate affected by such deci-

sion shall not later than seven days appeal against it to the Supreme Court. The Electoral Commission shall within seven days of receipt of the notice of appeal, forward all the records in the case to the Supreme Court, which, not later than seven thereafter, shall hear and make its determination. If the Supreme Court nullifies or sustains the nullification of the election of any candidate, for whatever reasons, the Electoral Commission shall within sixty days of the decision of the Court conduct new elections to fill the vacancy. If the Court sustains the election of a candidate, the Electoral Commission shall act to effectuate the mandate of the Court.

(d) Every political party shall, on September 1 of each year, and every candidate of such political party and every independent candidate shall, not later than thirty days prior to the holding of an election in which he is a candidate, publish and submit to

the Electoral Commission detailed statements of assets and liabilities. These shall include the enumeration of sources of funds and other assets, plus lists of expenditures. Where the filing of such statements is made in an election year, every political party and independent candidate shall be required to file with the Electoral Commission additional detailed supplementary statements of all funds received and expenditures made by them from the date of filing of the original statements to the date of the elections. Any political party or independent candidate who ceases to function shall publish and submit a final financial statement to the Electoral Commission. All funds not used for the purpose for which they were solicited shall be deposited into the treasury of the Republic.

Article 87 The Legislature shall by law provide penalties for any violations of the relevant provisions of this Chapter, and shall enact laws and regulations in furtherance thereof not later than 1986; provided that such penalties, laws or regulations shall not be inconsistent with any provision of this Constitution.

CHAPTER IX EMERGENCY POWERS

Article 88 The President, as Commander In Chief of the Armed Forces, may order any portion of the Armed Forces into a state of combat readiness in defense of the Republic, before or after the declaration of a state of emergency, as may be warranted by the situation. All military power or authority shall at all times, however, be held in subordination to the civil authority and the Constitution.

Article 89 (a) The President may, in consultation with the Speaker of the House of Representatives and the President of the Senate, proclaim and declare the existence of a state of emergency in the Republic or any part thereof. Acting pursuant thereto, the President may suspend or affect certain rights, freedoms, and guarantees contained in this Constitution and exercise such other emergency powers as may be necessary and appropriate to take care of the emergency, subject, however, to the limitations contained in this Chapter.

(b) A State of emergency may be declared only where there is a threat or outbreak of war or where there is civil unrest affecting the existence, security or well-being of the Republic amounting to a clear and present danger.

Article 90 (a) Emergency powers do not include the power to suspend or abrogate the Constitution, dissolve the Legislature, or suspend or dismiss the Judiciary; and no constitutional amendment shall be promulgated during a state of emergency. Where the Legislature is not in session, it must be convened immediately in special session and remain in session during the entire period of the state of emergency.

(b) The writ of habeas corpus shall remain available and exercisable at all times and shall not be suspended on account of any state of emergency. It shall be enjoyed in the most free, easy, inexpensive, expeditious and

ample manner. Any person who suffers from a violation of this right may challenge such violation in a court of competent jurisdiction.

Article 91 The President shall, immediately upon the declaration of a state of emergency, but not later than seven days thereafter, lay before the Legislature at its regular session or at a specially convened session, the facts and circumstances leading to such declaration. The Legislature shall within seventy-two hours, by joint resolution voted by two-thirds of the membership of each house, decide whether the proclamation of a state of emergency is justified or whether the measures taken thereunder are appropriate. If the two-thirds vote is not obtained, the emergency automatically shall be revoked. Where the Legislature shall deem it necessary to revoke the state of emergency or to modify the measures taken thereunder, the President shall act accordingly, and immediately carry out the decisions of the Legislature.

CHAPTER X AUTONOMOUS PUBLIC AGENCIES

Article 92 (a) There shall be established the following Autonomous Public Agencies, the members of which shall not in the exercise of their duties be subject to the direction or control of any other person or authority except as provided in this Chapter:

A. Public Service Commission;
B. Judicial Service Commission;
C. Electoral Commission;
D. Office of the Auditor-General; and
E. Ombudsman Commission.

(b) No person shall qualify for appointment as a member of any of the Autonomous Public Agencies unless he is a citizen of Liberia; be not less than twenty-five years of age; and meet such other requirements as are set forth in this Constitution and as the Legislature may by law prescribe.

(c) Members of the Autonomous Public Agencies shall receive salaries which shall be determined by the Legislature. Such salaries shall be subject to taxes

as defined by law, but shall not otherwise be diminished during the period for which the members of the Autonomous Public Agencies are appointed.

(d) Members of the Autonomous Public Agencies shall not be removed from office before the expiration of the term for which they are appointed except by impeachment for proved misconduct, breach of duty, violation of their oath of office, or conviction in a court of law for treason, bribery or other infamous crimes.

(e) Each Autonomous Public Agency shall submit an annual report of its activities to the President and shall submit copies thereof to the Legislature.

All such reports shall be made available to the public.

PUBLIC SERVICE COMMISSION

Article 93 The Public Service Commission shall consist of a chairman, a vice-chairman and three other members appointed by the President with the consent of the Senate. Three appointments shall be made from a panel comprising at least six persons recommended by the National Bar Association from among legal practitioners with at least ten years of law practice and law professors with at least ten years of combined practice and law teaching at accredited law schools. The other two members shall be members of the general public. Members of the Commission shall serve for a term of five years, with eligibility for reappointment. The President shall designate the chairman and the vice-chairman, and shall administer the oath or affirmation required of the members.

Article 94 The Public Service Commission shall be empowered:

(a) to regulate and control the general organization of the various public services, and develop a public merit system with open competition for purposes of appointment to and promotion within the public service;

(b) to approve the appointments, promotions and dismissals of all persons to posts or grades in the public service, whether as officers or employees or on special contract and to fix and regulate their conditions of service;

(c) to exercise, through the relevant offices of the Public Service Commission, appellate jurisdiction in matters of discipline and grievances of persons employed in the public service; and

(d) to ensure the general well-being and good administration of the public service and the maintenance thereof in a high state of efficiency and merit.

Article 95 The Legislature shall by law define those services and institutions constituting the public service. It shall enact legislation providing for the training of public servants of all grades and providing for appropriate guidelines for appointment, open competition, promotion and retirement.

JUDICIAL SERVICE COMMISSION

Article 96 The Judicial Service Commission shall consist of a chairman, a vice-chairman and three other members appointed by the President with the consent of the Senate. Three appointments shall be made from a panel comprising at least six persons recommended by the National Bar Association from among legal practitioners with at least ten years of law practice and law professors with at least ten years of combined practice and law teaching at accredited law schools. The other two members shall be members of the general public. Members of the Commission shall serve for a term of five years, with eligibility for reappointment. The President shall designate the chairman who shall be a lawyer, and the vice-chairman, and shall administer the oath or affirmation required of the members. No Member of the Commission shall during the period of his service as a Commissioner be permitted to engage in the practice of law. This shall however not preclude him from accepting appointment as a professor or lecturer of law at an accredited law school.

Article 97 The Judicial Service Commission shall be empowered:

(a) to recommend to the President candidates for judicial appointment and to advise as to their qualifications — including justices of the Supreme Court, judges of subordinate courts of record, magistrates and justices of the peace;

(b) to recommend to the Chief Justice candidates for other positions in the judicial service and to advise as to their qualifications;

(c) to recommend to the House of Representatives impeachment of a judicial officer appointed by the President with the consent of the Senate; to recommend to the President the removal from office of a magistrate or justice of the peace; and to recommend to the Chief Justice the punishment or removal of other judiciary personnel; and

(d) to establish guidelines for the selection and removal of judicial officers and other judiciary personnel.

Article 98 All recommendations by the Judicial Service Commission for the impeachment, removal from office or any other punishment of judicial officials and personnel shall be based on thorough investigations conducted in accordance with due process of law. The report of the findings and results of all investigations shall be published.

ELECTORAL COMMISSION

Article 99 The Electoral Commission shall consist of a chairman, a vice-chairman and three other members, no two of whom shall be from the same county. They shall be appointed by the President with the consent of the Senate and shall serve for a term of five years. They shall be eligible for reappointment. The President shall designate the chairman and the vice-chairman, and shall administer the oath or affirmation required of the members. Electoral Commissioners shall not be members of any political party during their term of office; and to the extent possible membership on the Commission shall reflect the diversity of political views within the Republic.

Article 100 The Electoral Commission shall be empowered:

(a) to organize and supervise all elections for public office; (b) to prescribe guidelines and regulations for the registration of political parties and independent candidates, and to register or deny the registration of such parties and candidates in accordance with the requirements set

forth in this Constitution and the guidelines and regulations of the Commission;

(c) to arrange for the annual and other periodic examinations and auditing of the records, financial statements and accounts of political parties and candidates, and to publish the reports of such examinations and audits for public information;

(d) to demarcate the boundaries of legislative constituencies;

(e) to arrange for the registration of persons qualified to vote and for the maintenance of a voters' register;

(f) to administer election laws enacted by the Legislature; and (g) to make such rules and regulations as shall be necessary for the proper discharge of its functions.

OFFICE OF AUDITOR-GENERAL

Article 101 (a) The President shall appoint, upon recommendation of the Public Service Commission and with the consent of the Senate, an Auditor-General who shall be a certified or chartered public accountant.

The Auditor-General shall hold office for a period of nine years with eligibility for reappointment. He shall maintain a budget independent of the Executive and provided by the Legislature. He shall have the authority to appoint such personnel from a list of qualified candidates, submitted to him by the Public Service Commission, as may be necessary for the proper functioning of his Office.

(b) The Legislature shall from time to time, and as it may deem appropriate, authorize the auditing of the Auditor-General.

Article 102 The Auditor-General shall be empowered to audit all accounts of all public offices and all public officers, including the courts, public corporations and authorities and all persons and bodies established by law and entrusted with the collection and administration of public monies and assets. The

Auditor-General, or his designees shall, for that purpose, have access to all books, records and documents relating to those accounts. In addition to his annual reports, he shall submit such special reports as may be

required by the President or the Legislature.

Article 103 No impeachment proceedings shall be initiated against an Auditor-General without a prior investigation and report of the Public Service Commission. Such investigation shall be in accordance with due process of law.

accounts. In addition to his annual reports, he shall submit such special reports as may be required by the President or the Legislature.

Article 103 No impeachment proceedings shall be initiated against an Auditor-General without a prior investigation and report of the Public Service Commission. Such investigation shall be in accordance with due process of law.

OMBUDSMAN COMMISSION

Article 104 The Ombudsman Commission shall consist of a chairman and two members, two of whom shall be lawyers, appointed by the President upon recommendation of the Judicial Service Commission and with the consent of the Senate. The qualification for appointment to the Commission, in addition to those stated in Article 92, shall be the same as for Justices of the Supreme Court of Liberia. Each member of the Commission shall serve for a term of five years, with eligibility for reappointment. The President shall designate the Chairman and administer the oath or affirmation required of the members.

Article 105 The Ombudsman Commission shall have the power;

(a) to investigate, on its own initiative or on complaint by any person, or cause such investigation to be carried out into any alleged misconduct in office by a public official or employee, whether involving action taken

or omitted to be taken by any Government agency, public corporation, authority or institution set up or substantially funded by the Government, or any officer or employee of any of the foregoing;

(b) to investigate administrative acts of arbitrariness, unfairness, aggressiveness and inconsistency which have resulted into sufferings and injustices upon a party and for which there appears to be no reasonably available

judicial remedy; and

(c) to recommend to the President or appropriate government agency, authority, commission or official, after thorough investigations conducted in accordance with the requirements of due process of law, measures or action to be taken to give redress to the aggrieved party.

Article 106 The Commission shall not be competent to inquire into or investigate any matter which is sub judice, which has been judicially determined to be privileged or over which other agencies have original jurisdiction and in which the complainant has failed to first exhaust the procedure available therein.

CHAPTER XI MISCELLANEOUS

Article 107 (a) No person to whom this Article applies, whether elected or appointed to any public office, shall hold or perform any other regular full-time or part-time job or engage in any professional activity in a private capacity for which such person receives regular remuneration or honorarium while he holds such public office, provided that this shall not apply to academic and teaching positions or welfare.

(b) No person to whom this Article applies, holding public office, shall demand or receive any other perquisites, emoluments or benefits, directly or indirectly, on account of any duty required of him; nor shall such person manage or engage, directly or indirectly, in any business which conflicts with or is likely to conflict with his official duties and functions or likely to cause him to compromise his public position.

(b) No person to whom this Article applies, holding public office, shall demand or receive any other perquisites, emoluments or benefits, directly or indirectly, on account of any duty required of him; nor shall such person

manage or engage, directly or indirectly, in any business which conflicts with or is likely to conflict with his official duties and functions or likely to cause him to compromise his public position.

(c) Every person to whom this Article applies shall within ninety days after the coming into force of this Constitution, or, if employed after the coming into force of this Constitution, then not later than ninety days after entering upon the functions of his office, and at such periods thereafter as may be prescribed in a code of conduct enacted by the Legislature, file with the Public Service Commission a written declaration duly sworn to setting forth separately total assets, including money, personal, real and mixed property owned, possessed or controlled by him and total liabilities.

(d) Persons to whom this Article applies include the President, Vice-President, members of the Legislature, justices of the Supreme Court and judges of subordinate courts, cabinet ministers, deputy and assistant cabinet ministers, members of Autonomous Public Agencies, officials of public corporations, agencies and other public employees.

(e) The Legislature shall, in extension of the above provisions, prescribe a code of conduct for all public officials and employees stipulating the acts forbidden and the penalties for violation thereof.

CHAPTER XII AMENDMENTS

Article 108 This Constitution may be amended whenever a proposal by either (1) two-thirds of the membership of both houses of the Legislature, or (2) a petition submitted to the Legislature by not fewer than 10,000 citizens, which receives the concurrence of two-thirds of the membership of both houses of the Legislature, is ratified by two-thirds of the registered voters, voting in a referendum conducted by the Electoral Commission not sooner than one year after the action of the Legislature.

Article 109 Proposed constitutional amendments shall be accompanied by statements setting forth the reasons therefor and shall be published in the Official Gazette and made known to the people through the information services of the Republic. If more than one proposed amendment is to be voted upon in a referendum they shall be submitted in such manner that the people may vote for or against them separately.

Article 110 The limitation of the Presidential term of office to two consecutive terms, each of four years duration, is entrenched in this Constitution, and neither that limitation nor this Article is subject to amendment.

CHAPTER XIII TRANSITIONAL PROVISIONS

Article 111 (a) Notwithstanding anything to the contrary in this Constitution, any persons duly elected to any office provided for under this Constitution and under the laws in force immediately before the coming into force of this Constitution shall be deemed to have been duly elected for the purpose of this Constitution and to have assumed the position so occupied on the date of coming into existence of this Constitution.

(b) Notwithstanding anything to the contrary in this Constitution, the person so elected President of Liberia shall be inaugurated as President on the 12th day of April, 1985. This Constitution shall come into force simultaneously with that inauguration.

(c) Notwithstanding anything to the contrary in this Constitution, the People's Redemption Council shall by decree convene a session of the newly elected Legislature before or on the 12th day of April, 1985, to enable the Senate and House of Representatives to organize and elect their officers. Such elections shall be conducted in accordance with the rules and procedures laid down by the Legislature under the suspension of the Constitution until changed by the new Legislature. (d) Any person who, under the laws extant immediately before

the coming into force of this Constitution, held an appointment or was acting in an office shall be deemed to have been appointed, as far as it is consistent with the provisions of this Constitution, to hold or to act in the equivalent office under this Constitution until appointments otherwise provided for under this Constitution shall have been made.

Article 112 (a) The Constitution of the Republic of Liberia which came into force on the 26th day of July, 1847, and which was suspended on the 12th of April, 1980, is hereby abrogated. Notwithstanding this abrogation, however, any enactment or rule of law in existence immediately before the coming into force of this Constitution, whether derived from the abrogated Constitution or from any other source shall, in so far as it is not inconsistent with any provision of this Constitution, continue in force as if enacted, issued or made under the authority of this Constitution. (b) All treaties, executive and other international agreements and obligations concluded by the Government of the People's Redemption Council or prior governments in the name of the Republic prior to the coming into force of this Constitution shall continue to be valid and binding on the Republic unless abrogated or cancelled or unless otherwise inconsistent with this Constitution.

(c) All foreign and domestic debts or other loans and obligations contracted by the Government of the People's Redemption Council or prior governments, or any agency or other authority in the name of the Republic of Liberia prior to the coming into existence of this Constitution, shall continue to be binding on and enforceable by the Republic of Liberia.

Article 113 Notwithstanding anything to the contrary in this Constitution:

(a) the People's Supreme Court of Liberia, sitting in its October Term, 1984, shall, for the purpose of facilitating the continued disposition of cases before it, continue to sit en banc until the end of February, 1985. Thereafter only chamber ses-

sions shall be held pending the coming into existence of this Constitution. The Court shall be dissolved twenty-four hours after the coming into force of this Constitution and the term of office of all justices shall be terminated.

The President, immediately upon dissolution of the People's Supreme Court, shall appoint three circuit court judges who, as an ad hoc appellate court, sitting in chambers, shall have the power to issue remedial writs which shall await determination on the merits by the Supreme Court when constituted. Whenever a judge of the ad hoc court shall be the one against whom a remedial writ is sought, he shall be substituted by another circuit court judge for the purpose of deciding on the issuance of the writ. A majority of the judges must agree before any writ is issued.

The new Supreme Court shall be established within six months of the coming into force of this Constitution.

(b) All subordinate courts operating prior to the effective date of this Constitution shall continue to so operate, and all judges holding appointments in such courts shall continue to hold such appointments after the coming into existence of this Constitution until their successors are appointed and qualified; provided, however, that all such judges shall remain and preside in their respective resident circuits pending the reconstruction of the Supreme Court. The appointment by the President of judges of subordinate courts shall be made within nine months after the coming into force of this Constitution. All judges holding office prior thereto, unless reappointed, shall cease to hold office and their functions shall automatically devolve upon the newly appointed judges.

(c) Where any legal or administrative proceeding has been commenced, or a person seeks action by any authority or one acting under the authority of the Government, that matter may be carried on and completed by the person or authority having power or by his successor-in-office; and it shall not be necessary for any such proceeding to be commenced de

no. Any act completed by any person or authority having power under the existing law shall not be made the subject of review or commenced anew by anyone assuming the authority of that office after the coming into force of this Constitution.

Article 114 (a) No executive, legislative, judicial or administrative action taken by the People's Redemption Council or by any persons, whether military or civilian, in the name of that Council pursuant to any of its decrees shall be questioned in any proceedings whatsoever; and, accordingly, it shall not be lawful for any court or other

tribunal to make any order or grant any remedy or relief in respect of any such act. (b) No court or other tribunal shall entertain any action whatsoever instituted against the Government of Liberia, whether before or after the coming into force of this Constitution or against any person or persons who assisted in any manner whatsoever in bringing about the change of Government of Liberia on the 12th day of April, 1980, in respect of any act or commission relating to or consequent upon: (i) the overthrow of the government in power in Liberia before the establishment of the govern-

ment of the People's Redemption Council; (ii) the suspension of the Constitution of Liberia of July 26, 1947; (iii) the establishment, functioning and actions of the People's Redemption Council, the People's Supreme Court, the Special Military Tribunal and other organs established by the People's Redemption Council; (iv) the imposition of any penalties, including the death penalty, or the confiscation of any property by or under the authority of the People's Redemption Council under a decree made by that Council in pursuance of but not limited to

the measures undertaken by the Council to punish persons guilty of crimes and malpractices to the detriment of the Liberian nation, the people, the economy, or the public interest; and (v) the establishment of this Constitution.

Article 115 The Legislature shall, by statute enacted no later than one year after the coming into force of this Constitution, prescribe the guidelines and determine the procedures under which the President shall, by reason of illness, be declared incapable of carrying out the functions and duties of his office.

SCHEDULE

1. This Schedule shall form and be an integral part of this Constitution and shall have the same force as any other provision thereof.

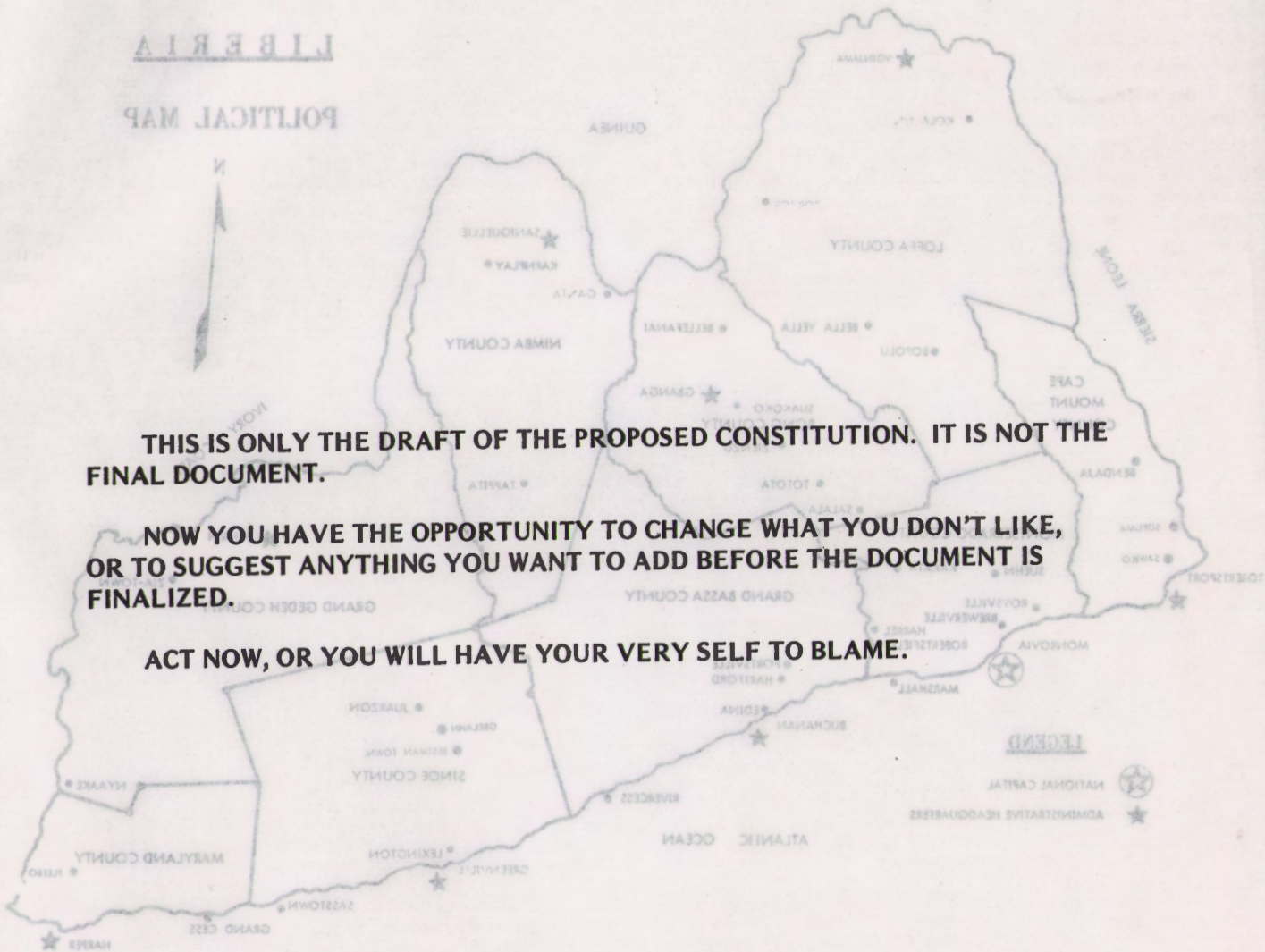
2. All public officials and employees, whether elected or appointed, holding office of public trust, shall subscribe to a solemn oath or affirmation as follows:

"I, do solemnly swear (affirm) that I will support, uphold, protect and defend the Constitution and laws of the Republic of Liberia, bear true faith and allegiance to the Republic, and will faithfully, conscientiously and impartially discharge the duties and functions of the office of to the best of my ability. (SO HELP ME GOD)."

COMPLETED THIS 28TH DAY OF JANUARY A.D. 1983 IN THE CITY OF MONROVIA, REPUBLIC OF LIBERIA BY THE NATIONAL CONSTITUTION COMMISSION.

Amos Sawyer, Chairman
D.K. Wonsehleay, Co-Chairman
Robert G.W. Azango, Member
J. Gornee N. Bariefay, Member
J. Emmanuel Berry, Member
George D. Browne, Member
Augustus F. Caine, Member
H. Boima Fahnbulleh, Sr., Member
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Philip G. Gadegbeku, Member
Alfred V.W. Gayflor, Member
Isaac L. George, Member
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Abraham L. James, Member
Peter A. Johnson, Member
David Kpomakpor, Member
Henry G. Kwekwe, Member
Albert Porte, Member
Patrick L.N. Seyon, Member
J. Teah Tarpeh, Member
S. Byron Tarr, Member
B. Mulbah Togbah, Member
Wolor Topor, Member
Rebecca Ware-Wilson, Member
Tuan Wreh, Member



THIS IS ONLY THE DRAFT OF THE PROPOSED CONSTITUTION. IT IS NOT THE FINAL DOCUMENT.

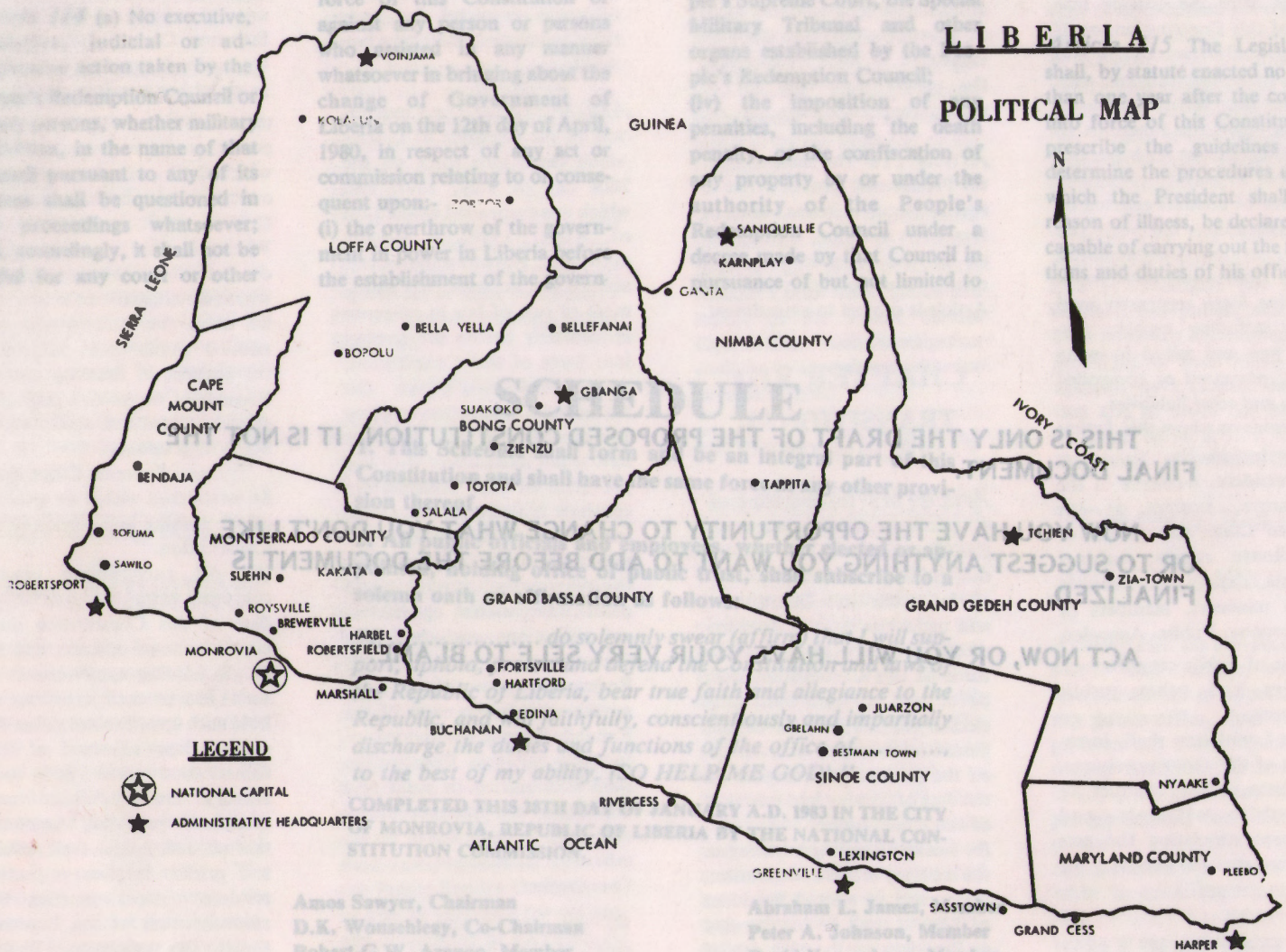
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LIBERIA

POLITICAL MAP



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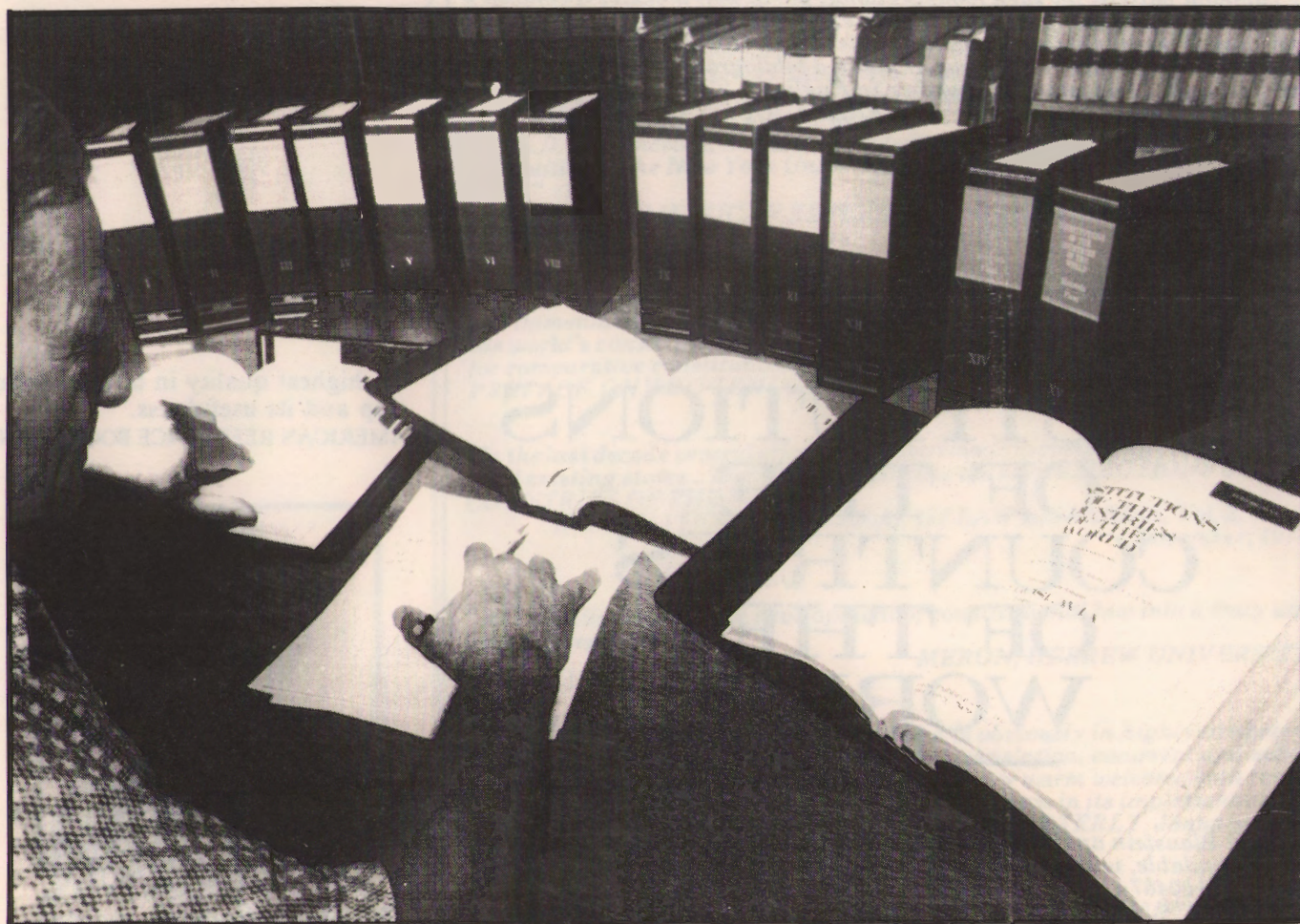


PHOTO: ROBERT WANDS

—The World at Your Fingertips—

CONSTITUTIONS OF THE COUNTRIES OF THE WORLD

Edited
by

A. P. BLAUSTEIN and G. H. FLANZ

Oceana Publications, Inc.
Dobbs Ferry, New York

"The common pattern for each (constitutional pamphlet) includes a concise historical and constitutional chronology; an expert translation of the complete constitution presently in force, with footnotes and cross references to changes and amendments; and a useful, brief annotated bibliography listing primary sources as well as secondary works often in English."

LIBRARY JOURNAL, March 1, 1972.

CONSTITUTIONS OF THE COUNTRIES OF THE WORLD

By Albert Blaustein and Gisbert Flanz, co-editors. 1971-. Looseleaf service. 16 binders available, with a Supplement binder. \$1,300 set price. Sales code X. ISBN: 0-379-00467-4.

There is no other constitutional collection now being published in any language which is complete and continually kept up-to-date. As publishers, we have committed ourselves to maintaining this collection as a permanent resource and reference service. "Historic" binders are available for those who wish to retain superseded materials. The pages in these binders serve as a constitutional archive for researchers.

Prior to WW II, there were several excellent collections of constitutions, but by 1950 they were hopelessly out of date. Although many collections of selected constitutions were published, the only comprehensive one was CONSTITUTIONS OF NATIONS, edited by Amos J. Peaslee. The first edition was published in 1950. This was followed by a second and third editions which continue to occupy space on many library shelves although most of the material is out of date. To our knowledge, it is no longer being published.

Two-thirds of the world's national constitutions have been adopted or revised since 1970. Only a few date from before World War II, and less than ten survive from the 19th century. Approaching its bicentennial year, the United States Constitution of 1789 is the world's oldest, and the only survivor of the 18th century.

The first looseleaf binder of the CONSTITUTIONS OF THE COUNTRIES OF THE WORLD was published in 1971. It contained the Constitutions of 12 countries: Ecuador, Fiji, Gambia, Ghana, Korea, Malawi, Malta, Paraguay, Turkey, Uruguay, Western Samoa and Yugoslavia. The looseleaf format proved to be a major breakthrough in the publishing and subsequent updating of this material. In the years that followed, the set has grown to 16 binders plus a supplement binder containing the constitutions (or bodies of fundamental laws) along with a chronology of events leading up to the adoption of each constitution and a bibliography for each country. The set includes material for over 160 countries - more countries than are members of the United Nations. Updated material is issued 3 - 4 times each year.

The 16 binders and the supplement binder contain well over 15,000 pages; supplementation has released over 10,000 additional pages which most libraries retain in the "historic" binders for research purposes.

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A few
statistics on CCW . . .



ALBERT P. BLAUSTEIN is Professor of Law at Rutgers University School of Law. He is well known as a lawyer, teacher, law librarian and author. A graduate of Columbia University School of Law, Professor Blaustein frequently serves as consultant to governments drafting new constitutions. He is the founder and chairman of *Constitutions Associates*, an international consortium of constitutional consultants.



GISBERT FLANZ was Professor of Political Theory and Comparative Politics at New York University Department of Political Science from 1946 until his retirement in 1981. He earned his law degree in Czechoslovakia prior to receiving his Ph.D at Princeton University.

WHAT THE REVIEWS SAID:

"Blaustein and Flanz are uniquely qualified for the co-editorship of this work, for both of them have impressive backgrounds in law and constitutionalism. Professor of Law at Rutgers University's Law School, Blaustein is well known as a lawyer, teacher, journalist, law librarian and author of scholarly publications. Flanz, who earned his law degree in Czechoslovakia prior to receiving his Ph.D. at Princeton, has been a professor of political theory and comparative politics at the New York University's Political Science Department since 1946..."

AMERICAN REFERENCE BOOKS ANNUAL, Vol. 9, 1978.

"Almost any constitutional lawyer hearing the names Blaustein and Flanz will immediately think of a row of 16 books with black bindings containing all the world's constitutions. There two writers laid the documentary foundation for comparative constitutional science."

PREFACE, ON WRITTEN CONSTITUTIONS: DATA AND REFLECTIONS.

"In the last decade several efforts have been made to compile the constitutions of all existing states...The most successful is the CONSTITUTIONS OF THE COUNTRIES OF THE WORLD."

INTERNATIONAL JOURNAL OF LAW LIBRARIES, Vol. 2, No. 3, November, 1974.

"An essential tool for the development of constitutional law into a truly universalist legal science."

MERON, HEBREW UNIVERSITY.

"This is a most ambitious undertaking and is obviously in highly competent and enthusiastic hands...high standards of translation, comment and subsidiary documentation...This series deserves a very warm welcome both for its enterprise and for the care and discrimination shown in its implementation."

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THE AMERICAN POLITICAL SCIENCE REVIEW, Vol. 67, September, 1973.

"A most useful reference tool."

LIBRARY JOURNAL, March 1, 1972.

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LIBRARY OF CONGRESS INFORMATION BULLETIN, August 25, 1972.

"This compilation will be an indispensable research and reference tool for scholars and students in the area of comparative constitutional law and politics."

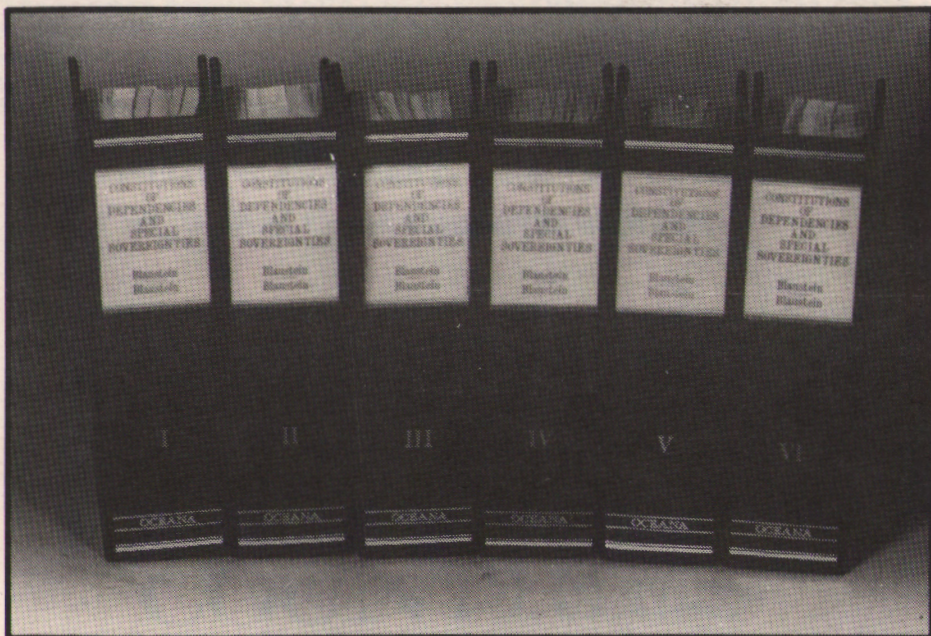
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"What are the advantages of the Blaustein-Flanz service? One advantage is the care with which most of the documents have been assembled. The prefatory notes that provide a chronology of constitutional changes in each country and seek to place the constitutional documents in the context of governmental organization and practice are helpful to the reader. Also, important implementing acts and decrees are included as well as the basic constitutional documents. Every law library in which serious research in foreign and international law takes place must have this publication. It is a service that should also receive extensive use in law schools, even those that offer only a basic course in comparative law. The service should also prove of great value to teachers and students of political science and comparative government."

LAW LIBRARY JOURNAL, Vol. 67, No. 1, February, 1974.

"examination...indicates that the chronologies are almost uniformly excellent and the bibliographies soundly representative."

THE AMERICAN POLITICAL SCIENCE REVIEW, Vol. 67, September, 1973, p. 1044.



CONSTITUTIONS OF DEPENDENCIES AND SPECIAL SOVEREIGNTIES

By Albert P. Blaustein and Phyllis M. Blaustein, co-editors. 1975-. Looseleaf service. 6 binders. \$600 set price. Sales code X. ISBN:0-379-00278-7.

This series extends coverage of world constitutions to those areas which, while not independent nations, afford the protection of constitutional government to their populations. This work covers British, American and French Dependencies, as well as, for example, Australian, New Zealand, South African ones, and the Vatican. The format of annotation, constitution and bibliography follows that of CONSTITUTIONS OF THE COUNTRIES OF THE WORLD.

"It is a valuable complement to the excellent series *Constitutions of the Countries of the World*."

AMERICAN JOURNAL OF INTERNATIONAL LAW, January, 1977.

"This series is potentially of great value and will fill a definite need."

INTERNATIONAL & COMPARATIVE LAW QUARTERLY, April, 1976.

"There is a real need to publicize and know the constitutional bases for the dependent territories of the world. To pursue research involving these territories, it is invaluable to have these often unavailable documents...recommended for all law school and large libraries."

LAW LIBRARY JOURNAL, vol. 69, May, 1976.

"An invaluable collection of documentary translations which are impossible to find elsewhere."

JOURNAL OF INTERNATIONAL LAW & ECONOMICS, Vol. 13, 1978.

"Thus with these two related works (*Constitutions of the Countries of the World*) and their periodic supplements to keep them current, scholars and students in the field of government will now have a full and convenient research and reference aid. Both compilations highly recommended for all research libraries around the world."

INTERNATIONAL JOURNAL OF LAW LIBRARIES, Vol. 3, November, 1975.

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U.S. Territories — Special
Virgin Islands
UNITED KINGDOM
Northern Ireland
Scotland
Wales
IN ASSOCIATION WITH THE BRITISH CROWN
Isle of Man
Jersey
Guernsey
Alderney
Sark
BRITISH DEPENDENT TERRITORIES
Bermuda
British Antarctic Territory
British Indian Ocean Territory
British Virgin Islands
Cayman Islands
Falkland Islands
Gibraltar
Hong Kong
Montserrat
Pitcairn Islands Group
St. Helena & Dependencies
Turks & Caicos Islands
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Anguilla
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BRITISH PROTECTORATE
Sultanate of Brunei
AUSTRALIAN TERRITORIES^c
Ashmore & Cartier Islands Territory
Australia Antarctic Territory
Christmas Island Territory
Cocos (Keeling) Islands Territory
Coral Sea Islands Territory
Heard & McDonald Islands Territory
Norfolk Island Territory
Northern Territory of Australia
NEW ZEALAND TERRITORIES
Cook Islands
Niue
Tokelau Islands
Ross Sea Dependency
SOVIET TERRITORIES
WITH RECOGNIZED SOVEREIGNTY
Estonia
Latvia
Lithuania
FRENCH OVERSEAS DEPARTMENTS
French Guiana
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Martinique
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TIBET
TURKISH FEDERATED STATE OF CYPRUS
VATICAN CITY STATE
NAMIBIA/SOUTH WEST AFRICA
REPUBLIC OF SOUTH AFRICA
NATIONAL STATES
National States: General
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Transkei
Venda
Ciskei
Gazankulu
KaNgwane
Kwandebele
KwaZulu
Lebowa
Qwaqwa

ID: 186215 CORRESPONDENCE TRACKING WORKSHEET PAGE D01
INCOMING CORRESPONDENCE DATE 831221 RECEIVED DATE 831223
(PREFIX) (FIRST) (LAST) (SUFFIX)
THE HONORABLE HENRY J. HYDE
TITLE:

186215
FE002-01

ORGANIZATION: U. S. HOUSE OF REPRESENTATIVES

STREET:

CITY: WASHINGTON STATE: DC ZIP: 20515
COUNTRY:

SUBJECT: URGES SUPPORT FOR H. J. RES. 391, PROPOSING
AN AMENDMENT TO THE CONSTITUTION ALLOWING AN
ITEM VETO IN APPROPRIATIONS ACTS

TR

AGY/OFF ACTION CODE TRACKING DATE
LAOGLE ORG 831223

DT A 840117

STAFF NAME: PRESIDENT REAGAN
COMMENTS:

MEDIA: L OPID: LW TYPE: IBA

CODES: REPORT INDIV: 1240

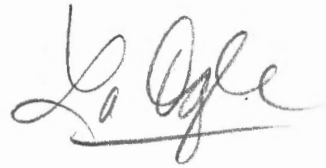
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17504

FEB 2 1984



Honorable Henry J. Hyde
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Hyde:

Thank you for your informative letter to the President urging that he endorse your line-item veto proposal, H.J. Res. 391. As you know, President Reagan, in his State of the Union address, called for a constitutional amendment giving the President the right to veto individual items in appropriation bills.

We appreciate your taking the time to apprise us of your proposed constitutional amendment and look forward to working with you to achieve a satisfactory approach to this important tool against waste and extravagance.

Sincerely,
FREDERICK S. UPTON

Frederick S. Upton
Deputy Assistant Director
for Legislative Affairs

cc: LRD Official File
LRD Chron
DO Records (OMB Control No. #17504)
DO Chron
Mr. Moran
Mr. Modlin
Mr. Murr
Room 7220
White House Liaison, Room 91 (Control No. #186215)

LRD/J. Murr/so

1/27/84

84/01/23

OFFICE OF MANAGEMENT AND BUDGET
CORRESPONDENCE CONTROL

OMB CONTROL NO: 17504
CORRESPONDENT : REP HENRY HYDE
ORGANIZATION : RPIL
DATE OF CORR. : 83/12/21

FOR ACTION : LRD

INFO : AD7LA
OTHER REF : 186215

COMMENTS :

INSTRUCTIONS: PREPARE REPLY FOR LEGISLATIVE AFFAIRS SIGNATURE
CARBON COPY TO OMB LEGISLATIVE AFFAIRS OFFICE
SEND COPY OF RESPONSE AND ORIGINAL INCOMING CORRESPONDENCE
TO WHITE HOUSE LIAISON, ROOM 91. PUT THE WHITE HOUSE AND
OMB CONTROL NUMBERS ON ALL COPIES.

* RESPONSE DUE TO LEGISLATIVE AFFAIRS OFFICE *
* BY 84/01/30 *

SUBJECT: BUDGET VETO PROPOSAL

REMARKS: The attached responds to a letter from Congressman Hyde
((R) Illinois) to the President urging endorsement of
a line-item veto proposal along the lines of the
Congressman's bill, H.J. Res. 391.

	PREPARED	CLEARED	CLEARED	CLEARED	CLEARED	CLEARED
SURNAME	Murr	Frey	Modlin	Moran	Hudson	
AND	LRD	LRD	BRD	EP	LA	
DIVISION						
INITIALS	<i>[Signature]</i>					
AND						
DATE	1/27/84					

THE WHITE HOUSE OFFICE

REFERRAL

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34 JAN 23 AIO: 22

JANUARY 20, 1984

DIRECTOR'S
CORRESPONDENCE UNIT

TO: OFFICE OF MANAGEMENT AND BUDGET

ACTION REQUESTED:
APPROPRIATE ACTION

DESCRIPTION OF INCOMING:

ID: 186215

MEDIA: LETTER, DATED DECEMBER 21, 1983

TO: PRESIDENT REAGAN

FROM: THE HONORABLE HENRY J. HYDE
U. S. HOUSE OF REPRESENTATIVES
WASHINGTON DC 20515

SUBJECT: URGES YOU TO SERIOUSLY CONSIDER ENDORSING A
LINE-ITEM VETO PROPOSAL: "IT IS MY VIEW THAT
A LINE-ITEM VETO IS MORE POLITICALLY AND CON-
STITUTIONALLY DEFENSIBLE THAN THE BALANCED
BUDGET AMENDMENT PROPOSALS OF THE PAST...WE
BOTH KNOW THAT CONGRESS DOESN'T POSSESS THE
POLITICAL COURAGE NOR THE ECONOMIC SENSE TO
SUBSTANTIALLY CURTAIL FEDERAL SPENDING"

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE
UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE
(OR DRAFT) TO:
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE

SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE

17504

January 17, 1984

Dear Henry:

This is to thank you for your letters to the President and Jim Baker urging that serious consideration be given to a line-item veto proposal.

Your comments and recommendation in this regard have been brought to the President's attention, and he has asked that your correspondence be shared with the appropriate advisory staff members. You have my assurances that your views will be taken fully into account when the President makes his final decisions on his 1985 budget proposals.

With best wishes,

Sincerely,

W. Dennis Thomas
Deputy Assistant to the President

The Honorable Henry J. Hyde
House of Representatives
Washington, D.C. 20515

WDT/KRJ/tjr

cc: w/copy of inc to Mike Hudson - for
appropriate action
(note: on the P's log of Cong Mail he
said "I'm all for it.")

cc: Jim Baker - FYI

Date: 1/6/84

TO: CHARLIE PONTICELLI

FROM: **KATHERINE CAMALIER**
Staff Assistant to
James A. Baker, III

☐ Information

☒ Action

Would your office please handle
on behalf of Mr. Baker or provide
guidance?

Thanks.

Congress of the United States
House of Representatives
Washington, D.C. 20515

December 22, 1983

Mr. James A. Baker, III
Chief of Staff
The White House
Washington, D.C. 20500

Dear Jim

I thought you would be interested in the enclosed copy of a letter I've just sent the President urging that he endorse a line-item veto proposal in his State of the Union Address and budget message.

The line-item veto has much more acceptability than a balanced budget constitutional amendment because it avoids all of the fears that Congress will find ways of avoiding the consequences of a balanced budget amendment. For example, it is predictable that when cuts must be made, Congress will reduce the first and largest "uncontrollable" -- defense -- every time. Also, the definition of terms can make such an amendment useless.

My amendment (H.J. Res. 391) is neat, direct, and has a pin-point focus of responsibility on the particular appropriation and the President in vetoing it. This amendment is identical to Senator Mack Mattingly's S.J. Res. 128, and is superior, in my opinion, to other versions now floating around in both Houses.

I hope you will agree with my conclusions, and that you will similarly urge the President to include endorsement of a line-item veto proposal in his State of the Union Address and budget message.

With best personal regards for the Holiday Season,

Cordially,


Henry J. Hyde

HJH:fcw

Congress of the United States
House of Representatives
Washington, D.C. 20515

December 21, 1983

Honorable Ronald Reagan
President
The White House
Washington, D.C. 20500

Dear Mr. President:

In preparation for your upcoming budget message and State of the Union address early next year, I urge you to give serious consideration to endorsing a line-item veto proposal along the lines of the one I introduced October 20, 1983 (H. J. Res. 391). My bill is identical to Senate Joint Resolution 128, sponsored by Senator Mack Mattingly of Georgia, and I firmly believe it represents the most sensible position on this very important matter.

It is my view that a line-item veto is more politically and constitutionally defensible than the balanced budget amendment proposals of the past, and in supporting it you would find yourself in the company of many of your predecessors in the White House. The line-item veto has been endorsed by Presidents since the Administration of Ulysses S. Grant in 1873 and, in more recent times, by both Franklin D. Roosevelt and Dwight D. Eisenhower. Harry S. Truman lamented the unavailability of a line-item veto when he wrote in his Memoirs that "one important lack in the Presidential veto power, ... is authority to veto individual items in appropriation bills." Forty-two of our fifty States have provided their chief executives with line-item veto power, and this same authority should be available as well to the President of the United States.

We both know that Congress doesn't possess the political courage nor the economic sense to substantially curtail federal spending. As a consequence some sort of constitutional leverage is necessary. We had limited debate on a balanced budget amendment two years ago in the House, and predictably, it failed largely on a party line vote.

When our Republic was founded, the authors of the Constitution clearly did not foresee that appropriation bills would someday significantly dilute the power they had given the President under

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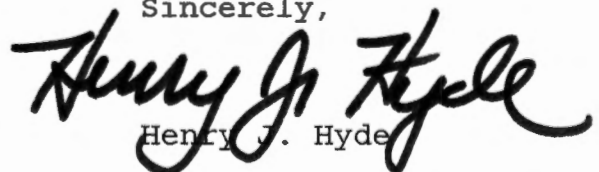
the veto provisions of Article I. In fact, Alexander Hamilton expressed the popular view when he wrote, in his Federalist Papers, that the veto power "furnishes an additional security against the inaction of improper laws." Unfortunately, this has become less and less true as the decades have passed, and appropriation bills have evolved into political Christmas trees by which the Congress has decorated each branch with special interest appropriations. As you so painfully know, Congress has for some time now consistently passed appropriation bills at the end of each session, thereby placing the President in the untenable position of either bringing the Government to a virtual halt by exercising his blanket veto power, or acquiescing to appropriation bills which waste the public's money. In effect, the Presidential veto power first envisioned by Hamilton and his colleagues has in many respects been rendered impotent.

My proposal (attached) limits the power of the President to disapprove only dollar amounts on appropriation bills affecting the Executive Branch. Appropriations for the Legislative and Judicial Branches are not included because I believe that either Branch would understandably fear the potential for having its appropriations held hostage to those of the other. In addition, H.J. Res. 391 allows Congress to override any line-item veto by casting a two-thirds vote in the form now established for a blanket veto under Section 7 of Article I.

Other proposals before the Congress differ from mine in that they permit the veto to reach the purpose of the program funded by the appropriation as well as the amount. In other instances, they would require only a constitutional majority to overturn the line-item veto. It seems to me that it is consistent with the intent of the Founding Fathers that the veto power as it was intended for the use of the President nearly two hundred years ago be reinstated and that the procedure for overturning that veto be consistent with provisions now in the Constitution. All but eight of the States have seen the wisdom of the line-item veto, and I am convinced that during the upcoming months, the American people will come to support its adoption by the Federal Government as well.

On a personal note, it is my heartfelt and sincere hope that, in this most Blessed of Holiday Seasons, both you and Mrs. Reagan will enjoy a most happy Christmas, and that the New Year will bring with it peace and fulfillment.

Sincerely,


Henry J. Hyde

HJH:bfw

98TH CONGRESS
1ST SESSION

H. J. RES. 391

Proposing an amendment to the Constitution of the United States allowing an item veto in appropriations Acts.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 1983

Mr. HYDE introduced the following joint resolution; which was referred to the Committee on the Judiciary

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States allowing an item veto in appropriations Acts.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled*
3 *two-thirds of each House concurring therein), That the fol-*
4 *lowing article is proposed as an amendment to the Constitu-*
5 *tion, which shall be valid to all intents and purposes as part*
6 *of the Constitution when ratified by the legislatures of three-*
7 *fourths of the several States within seven years after the date*
8 *of its submission to the States for ratification:*

1 "ARTICLE —

2 "The President may disapprove any item of appropri-
3 ation in any Act or joint resolution, except any item of appro-
4 priation for the legislative branch or the judicial branch of the
5 Government. If an Act or joint resolution is approved by the
6 President, any item of appropriation contained therein which
7 is not disapproved shall become law. The President shall
8 return with his objections any item of appropriation disap-
9 proved to the House in which the Act or joint resolution
10 containing such item originated. The Congress may, in the
11 manner prescribed under section 7 of article I for Acts disap-
12 proved by the President, reconsider any item of appropriation
13 disapproved under this article."

