

THE 2001 BARONS PETITION

A Petition to Her Majesty Queen Elizabeth II with related correspondence

February 2001 To Defend British Rights and Freedoms – A
Petition to Her Majesty Queen Elizabeth II presented under
clause 61 of Magna Carta, 1215

Ma'am,

as our humble duty, we draw to Your Majesty's attention:

- 1 the loss of our national independence and the erosion of our ancient rights, freedoms and customs since the United Kingdom became a member of the European Economic Community (now the European Union) in 1973;
- 2 the terms of the Treaty of Nice, 2000, which, if ratified, will cause significant new losses of national independence, and further imperil the rights and freedoms of the British people, by surrendering powers to the European Union:
 - 3 to enter into international treaties binding on the United Kingdom, without the consent of your Government;
 - 4 to ban political parties, deny free association and restrict the free expression of political opinion;
 - 5 which can be used to introduce an alien system of criminal justice, abolish the ancient British rights of habeas corpus and trial by jury, and allow onto British

soil men-at-arms from other countries with powers of enforcement;

6 to create a military force which will place British service personnel under the command of the European Union without reference to British interests, and contrary to:

7 the oath of personal loyalty to the Crown sworn by British forces,

8 the Queen's Commission, and

9 the United Kingdom's obligations to the North Atlantic Treaty Organization;

10 which remove the United Kingdom's right to veto decisions not in British interests;

11 the creation by the European Union of a Charter of Fundamental Rights, which purports to give it the power to abolish such "rights" at will;

12 the unlawful use of the Royal Prerogative to:

13 suspend or offend against statutes in ways which are prejudicial and detrimental to your sovereignty, contrary to the Coronation Oath Act, 1688;

14 subvert the rights and liberties of your loyal subjects, contrary to the ruling in *Nichols v Nichols*, 1576;

Your Majesty's power to withhold the Royal Assent, and the precedent set by Queen Anne under a similar threat to the security of the Realm in 1707;

WHEREFORE it is our humble duty TO PETITION Your Majesty to withhold the Royal Assent from any Parliamentary Bill which attempts to ratify the Treaty of Nice unless and until the people of the United Kingdom have given clear and specific approval; to uphold and preserve the rights, freedoms and customs of your loyal subjects as set out in Magna Carta and the Declaration of Rights, which you, our Sovereign, swore before the nation to uphold and preserve in your Coronation Oath of June 1953. We have the honour to be Your Majesty's loyal and obedient subjects.
(signed)

NICE TREATY TREASON:

The Treaty of Nice (agreed by the Heads of State or Government at the Nice European Council on 11 December 2000 and signed on 26 February 2001 includes:

Article 24 –transforms the EU into an independent state with powers to enter into treaties with other states which would then be binding on all member states, subject to agreement determined by Qualified Majority Voting.

Article 23 allows the EU to appoint its own representatives in other countries, effectively with ambassadorial status.

Article 191 –assumes for the EU the right to “lay down regulations governing political parties at European level [i.e.: in the EU]” and withdraw or prevent the funding of political parties which do not “contribute to forming a European awareness.” This is a clear restriction of free speech and free political association. It also introduces two particularly abhorrent propositions – taxation without representation

and the use of sanctions to suppress public opinion.

Articles 29 and 31 – establish common policing and judicial cooperation (Eurojust).

Article 67 allows matters of justice and home affairs to be agreed by QMV. These articles open the door to the imposition of *Corpus Juris* on the UK (article 31 specifically calls for cross-border policing and prosecution, and the removal of conflicts of jurisdiction), and the deployment of armed Europol law enforcement officers on the streets of Britain. These matters were originally dealt with under article 280, which mysteriously disappeared from the draft of the Nice Treaty at the very last minute, in part at least following heavy pressure from British euro-realists.

Article 17 –establishes a common foreign and defence policy for the EU, with its own military force. The House of Commons was told on 11 December 2000, that:

“The entire chain of command must remain under the political control and strategic direction of the EU. NATO will be kept informed”

Her Majesty The Queen is Commander in Chief of all her armed forces and Colonel in Chief of 46 of Her Regiments of the British army, every other regiment owing its loyalty directly via another member of The Royal Family as its Colonel in Chief to Her Majesty.

The loss of the UK veto applies to 39 new areas of EU “competence,” including indirect taxation, the environment, immigration, trade, employment, industrial policy, and regional funding. The EU also has

plans for QMV to be expended to other areas not agreed at Nice, and without further treaty negotiations.

Charter of Fundamental Rights – signed at Biarritz, autumn 2000.
Article 52 purports to give the EU the power to abolish them at will, effectively making them meaningless. The whole proposition that the state has the right to grant and abolish fundamental human rights [i.e.: those we inherit at birth and hold in trust for future generations] is not only absurd but also contrary to Magna Carta, 1215, the Declaration of Rights, 1688, and the Bill of Rights 1689.

**COMMUNICATIONS BETWEEN THE BARONS AND THE PRIVATE
SECRETARY OF THE OFFICE OF SOVEREIGN AT THE TIME:**

“Sir Robin Janvrin, KCVO, CB

Principal Private Secretary to Her Majesty The Queen

Buckingham Palace

London

23 March 2001

You were kind enough to invite a letter of amplification to accompany our petition to Her Majesty. Thank you.

The Treaty of Nice raises issues of major constitutional importance. It directly threatens our rights and freedoms, and undermines oaths of loyalty to the Crown. Such fundamental matters cannot be considered merely the stuff of day-to-day

politics. They directly concern the Crown, the constitution and every British subject, including generations yet unborn.

We find ourselves living in exceptional times, which call for exceptional measures. Hence our petition to Her Majesty, which exercises rights unused for over 300 years – clause 61 of Magna Carta, which were reinforced by article 5 of the Bill of Rights. As you know, the wording of clause 61 says: ...and, laying the transgression before us, petition to have that transgression redressed without delay...And we shall procure nothing from anyone, directly or indirectly, whereby any part of these concessions and liberties might be revoked or diminished; and if any such things has been procured, let it be void and null.

We have petitioned Her Majesty to withhold the Royal Assent from any Bill seeking to ratify the Treaty of Nice because there is clear evidence(which we shall address in a moment) that it is in direct conflict with the Constitution of the United Kingdom. It conflicts with Magna Carta, with the Declaration and Bill of Rights and, above all, with Her Majesty's Coronation Oath and the Oaths of Office of Her Majesty's ministers. Every one of these protections stand to this day, which is why they are now being invoked by our petition.

Ultimately, our supreme protection is Her Majesty's obligations under the Coronation Oath. The Queen has solemnly promised to govern the peoples of the United Kingdom according to the Statutes in Parliament agreed on and according to their laws and

customs. Her Majesty also swore to preserve all rights and privileges as by law do or shall appertain to any of them. From the spiritual point of view, it is unimaginable that Her Majesty would seek, in effect, a divorce from her duty. From a secular point of view, the Coronation Oath is a signed contract.

Recent statements by ministers, and by the previous prime minister, confirm that they would not advise any measure which might tend to breach the Coronation Oath nor betray Her Majesty's promise to her loyal subjects. Her Majesty accepts the advice of her ministers. Conversely, it is their duty to advise in accordance with the Coronation Oath. They cannot lawfully advise a breach. Nor can they gain or remain in power without swearing allegiance to the Crown. Yet the Treaty of Nice represents precisely such a breach, and it has now been signed by the foreign secretary using the Royal Prerogative. Blackstone's Commentaries (volume 1, page 239) says of the Royal Prerogative: The splendour, rights, and powers of the Crown were attached to it for the benefit of the people. They form part of, and are, generally speaking, as ancient as the law itself. *De prerogativa Regis* is merely declaratory of the common law...

The duties arising from the relation of sovereign and subject are reciprocal. Protection, that is, the security and governance of his dominions according to law, is the duty of the sovereign; and allegiance and subjection, with reference to the same criterion, the constitution and laws of the country, form, in return, the duty of the governed We have already observed that the

prerogatives are vested in him for the benefit of his subjects, and that his Majesty is under, and not above, the laws.

For such words to have meaning, the act of signing the Treaty of Nice by the foreign secretary demonstrates that ministers have de facto renounced their oaths of allegiance.

Indeed, faced in due course with a Bill seeking ratification of the Treaty of Nice, the only options appear to be for Her Majesty to dissolve Parliament, or for the government to resign and fight an election on the issue. The ex-government would then be faced with seeking elective power to introduce new oaths of loyalty under a new constitution as part of their new manifesto. This would distil the issues as perhaps nothing else might, since it would allow the people of the United Kingdom to decide whether or not they wished the constitution to be breached in this way, their rights and freedoms to be curtailed, and the position, powers and responsibilities of their sovereign to be diminished.

Of course, for the many thousands of subjects who have supported our petition, no such option exists. As the Act of Supremacy and the Bill of Rights put it: all usurped and foreign power and authority may forever be clearly extinguished, and never used or obeyed in this realm. no foreign prince, person, prelate, state, or potentate shall at anytime after the last day of this session of Parliament, use, enjoy or exercise any manner of power, jurisdiction, superiority, authority, pre-eminence or

privilege within this realm, but that henceforth the same shall be clearly abolished out of this realm, forever. So it is clear that no-one – neither sovereign, nor parliament, nor government, nor people – may tamper with, dismantle, destroy or surrender our constitution. We are all tenants of it, and trustees. We inherited these rights, and we have a supreme responsibility to pass them in good order to future generations. They are not ours to discard or diminish.

Which is why oaths of allegiance place an essential limitation on parliament's power, and the Queen's Coronation Oath is crucial. The Coronation Oath is a moral obligation, a religious obligation, a sworn obligation, a contractual obligation, a statutory obligation, a common law obligation, a customary obligation, an obligation on all who swear allegiance, it is the duty of government, and it is sworn for the nation, the commonwealth and all dominions.

The Coronation Oath is the peak of a pyramid, and all subordinate oaths are bound by its limitations. The armed services swear allegiance to the sovereign, not to the government of the day. This helps clarify the principle that allegiance is necessary, and not optional – an essential part of the checks and balances of our constitution. Without these oaths, and their lawful enforcement, we have little to protect us from government by tyranny.

We return now to our reasons for stating that the Treaty of Nice

is unconstitutional. Our petition highlights several such clauses. We draw particular attention to article 191, which seeks to restrict the political freedom of Her Majesty's subjects.

The EU seeks to assume the right to lay down regulations governing political parties at European level [i.e.: in the EU] and withdraw or prevent the funding of political parties which do not contribute to forming a European awareness. This is a clear restriction of free speech and free political association. It also introduces two particularly abhorrent propositions – taxation without representation and the use of state sanctions to suppress public opinion.

Our political freedom is absolute. The Bill of Rights says so. It cannot be limited in any way. Her Majesty is rightfully inscribed on our coins of the realm as Fid. Def. and Lib. Def. – Libertatis Defensor, Defender of the Freedom of the People.

It has been suggested to us that a referendum or plebiscite might be an acceptable response to the question of ratification of the Treaty of Nice, but we do not hold that view. A referendum or plebiscite which purported to make lawful the infringement of our common law rights would itself be unlawful. We come back to the oath of allegiance. Magna Carta says: We will appoint as justices, constables, sheriffs, or other officials, only men that know the law of the realm and are minded to keep it well.... How can such officers of the Crown organize such a referendum or plebiscite?

These procedures would also infringe articles 1, 2 and 4 of the Bill of Rights:

That the pretended power of Suspending of Lawes or the Execution of Lawes by Regall Authority without Consent of Parlyament is illegall. (This must include the Coronation Oath Act.)

That the pretended Power of Dispensing with Lawes or the Execution of Lawes by Regal Authoritie as it hath beene assumed and exercised of late is illegall.

That levying Money for or to the Use of the Crowne by pretence of Prerogative without Grant of Parlyament for longer time or in other manner than the same is or shall be granted is Illegall. (This is further protection of our common law rights.)

In the event that the Treaty of Nice is considered for Royal Assent we respectfully request that Her Majesty grant us an opportunity to examine the opinion of those who seek to alter our constitution by contrary advice. Accordingly, under those same terms of Magna Carta and the Bill of Rights quoted earlier, we the undersigned, and others– have formed a Barons Constitutional Committee to be available for consultation and to monitor the present situation as it develops..until redress has been obtained.

We are and remain Her Majesty's most loyal and obedient subjects.”

(signed:)

Ashbourne Rutland Massereene & Ferrard Hamilton of Dalzell

**The inappropriate Reply (39th day of the 40 days given to
'redress the grievances without delay'):**

“I am commanded by The Queen to reply to your letter of 23rd March and the accompanying petition to Her Majesty about the Treaty of Nice.”

The Queen continues to give this issue her closest attention. She is well aware of the strength of feeling which European Treaties, such as the Treaty of Nice, cause. As a constitutional sovereign, Her Majesty is advised by her Government who support this Treaty. As I am sure you know, the Treaty of Nice cannot enter force until it has been ratified by all Member States and in the United Kingdom this entails the necessary legislation being passed by Parliament.”

- Robin Janvrin