



Written by [Thomas R. Eddlem](#) on December 11, 2009

British Journalist Mourns Death of “Magna Carta” Under EU

“Our Magna Carta has been superceeded,” declared the London Daily Telegraph’s Ambrose Evans-Pritchard as the European Union came into force for Britain. In his December 6 column, Evans-Pritchard explained that “the Charter of Fundamental Rights — legally binding in the UK as of Tuesday, when Lisbon came into force — asserts that the EU has the authority to circumscribe all rights and freedoms.”

Evans-Pritchard, the International Business Editor for the *Telegraph*, [noted](#): “The founding texts of the English Constitution — charter, petition, bill of rights — have one theme in common: they create nothing. They assert old freedoms; they restore lost harmony. In this they guided America’s Revolution, itself a codification of early colonial liberties.” Britain’s great documents never pretended that rights flowed from government, but instead assumed that rights flowed to the people directly from God and that the purpose of governments that people created was to protect those rights.



Likewise, the U.S. Constitution guarantees rights without exception. The U.S. Bill of Rights begins with clauses such as “Congress shall make no law” (First Amendment) and declares that all persons — even foreign detainees accused of terrorism — have the “right to trial by jury.” The U.S. Constitution is principally marked by the fact that it brooks no exceptions to its restrictions on the government. There is no “except if we have a really, really good reason” clause that allows government to trample on rights anywhere in the Bill of Rights.

Evans-Pritchard [explained](#) that the European Union’s Constitution does have an “except if we have a really, really good reason” clause in [Article II, Section 112](#) of the European Constitution:

Any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.

In that respect the EU Constitution resembles the 1977 [Soviet Union’s Constitution](#), which also had its own exceptions clause:



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In accordance with the interests of the people and in order to strengthen and develop the socialist system, citizens of the USSR are guaranteed freedom of speech, of the press, and of assembly, meetings, street processions and demonstrations.... Citizens of the USSR are obliged to observe the Constitution of the USSR and Soviet laws, comply with the standards of socialist conduct, and uphold the honour and dignity of Soviet citizenship.

The Soviet Constitution gave it's people rights with one clause, and then took it away with the next. Likewise, [Article 29 of the United Nations' Universal Declaration of Human Rights](#) does the same thing:

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Particularly [vexing](#) to Ambrose-Pritchard is the EU's propensity to defend its own functionaries who have involved themselves in waste and corruption:

The ECJ [European Court of Justice] behaves like the Star Chamber of Charles I, as I learned following three cases where it rubber-stamped the abuse of state power against whistleblowers Bernard Connolly and Marta Andreasen, and German journalist Hans-Martin Tillack. Mr Tillack was arrested by Belgian police and held incommunicado for ten hours. Incommunicado on the basis of a fabricated allegation by two EU officials. Police went through his notes and computers, identifying his network of informants inside the EU apparatus. Mr Tillack took the case to the ECJ. It ruled in favour of the system. It always does.

While the European Court of Justice did eventually [officially vindicate](#) Tillack, EU officials delayed the case for years, and only after they had delayed his investigation of corruption within the EU bureaucracy. The EU had fired both Bernard Connolly for publishing the book *Rotten Heart of Europe* and accountant Marta Andreasen for uncovering waste and going public with the information after her superiors failed to act to eliminate the waste.

The repeal of the Magna Carta and its recognition of God-given rights under the Anglo-American Enlightenment tradition of Natural Law in favor of the European Union has vindicated the state as the ultimate arbiter of what "rights" will be protected, and when. In other words, citizens of Britain no longer have rights. Once the European Union became domestic law in Britain, rights became mere privileges that government protects or revokes at its own whim.

The United States and Britain emerged as rare countries that restricted governments rather than pretended that governments could create rights that only God can endow. Now, apparently, America stands alone in that regard.



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