

Government failures (so far) in handling Brexit

Professor D.R. Myddelton

David Cameron's Bloomberg speech in January 2013 received wide applause. He explained that Britain had never been comfortable with the concept of 'ever-closer union' and promised to hold an in/out referendum on UK membership of the EU, if he won the next general election. When (to nearly everyone's surprise) the Conservatives did win in May 2015, he duly honoured his commitment. Authors of Economics text-books are always keen to highlight possible 'market failures', so it is worth noting that the handling of Brexit to date represents a series of at least ten *government* failures.

Cameron promised an EU vote before the end of 2017, but he chose to hold it eighteen months sooner in June 2016. That was a mistake: in hindsight, we clearly needed more time to prepare for the referendum [1]. Even worse was the reckless decision to forbid civil servants from planning for the contingency that Brexit might win the vote [2]. The government thought this unlikely, but in a two-horse race it is wise to assume that either horse could win. Even an outside chance of Brexit deserved thinking about in advance by a prudent government.

Had the government started planning in June 2015, after winning an overall majority in the May 2015 general election, and held the referendum in December 2017, there could have been two and a half years of planning for a possible Brexit win.

In the event there was no time at all. Adding on nine months before triggering Article 50, and then a further two years, the total time available for planning and negotiations would have been five and a quarter years before exiting the EU at the end of September 2020. In the event much of the two and three quarter years after the referendum was wasted on trivial arguments nothing to do with trade negotiations (see government failure number 7 below).

The next mistake was the failure to demand major EU reforms before the UK government would agree to recommend voting to Remain. Maybe the EU will *never* reform – it continues to be complacent and inflexible – but the government should at least have made a serious effort, instead of being content with what Jacob Rees-Mogg called 'thin gruel'. [3]

David Owen, the former Foreign Secretary, has proposed a new grouping outside the eurozone for democratic countries wanting to be part of the common market but without subscribing to the 'United States of Europe' political project. Such an arrangement, I believe, might attract Denmark and Sweden as well as the UK from outside the eurozone, possibly Ireland and the Netherlands from within it, and perhaps even Norway and Switzerland from outside the current EU. But neither the EU nor UK governments have shown any interest in this idea.

Five senior cabinet ministers – Cameron, Osborne, Hammond, May and Fallon (all Remainers) – must share most of the blame for these three government mistakes. Like Harold Wilson in 1975, Cameron allowed ministers to dispute in public (six cabinet ministers said they would vote Leave); but he chose to lead the Remain campaign from the front (whereas Wilson stayed above the fray). In both referendums, the leader of the opposition sided with the government – Corbyn in 2016, Thatcher in 1975.

The rules limited how much the official campaigns could spend, but in addition the government spent a further £9 million of taxpayers' money on Remain propaganda [4]. So the Remain side was able to spend much more than the Leave side in total. This meant a far-from-level playing field, which augmented mounting distrust of the governing elites. (All living former prime ministers and deputy prime ministers supported Remain.)

In the campaign itself the government made two more mistakes. They focussed almost entirely on economic aspects of Brexit [5], rather than on the political and constitutional matters which concerned many voters. As a Leaver, I reckon the economic arguments for and against Brexit are relatively minor and fairly evenly balanced.) They also relied on 'experts' most of whose past forecasts

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had been badly wrong [6]. So far most of their short-term forecasts about Brexit have turned out wrong too, though we don't yet know the medium-term and long-term outcomes. The Office for Budget Responsibility was set up in 2010 to overcome the tendency for governments of both parties to tell lies about the public finances. But during the referendum campaign, where both sides put forward dubious numbers, the OBR was conspicuous by its absence.

A key feature of the campaign was that the two political leaders on both sides – David Cameron and George Osborne for Remain and Boris Johnson and Michael Gove for Leave – explicitly said that a vote to Leave would mean the UK leaving the Internal (Single) Market and the Customs Union. It is disappointing – to put it no higher – for anyone now to pretend otherwise.

After Brexit won the vote, two personal decisions, for which the government was not to blame, made things worse. David Cameron announced he would step down at once, though it would have been better if he had stayed on to allow time for an orderly leadership contest. And after a messy struggle, Theresa May emerged as the new leader of the Conservative Party. She soon called a snap election to try to improve the government's position, but it went wrong and left her worse off than before. The government chose to trigger Article 50 in March 2017, nine months after the Brexit vote. There were arguments for and against this timing, but one can hardly regard it as one of the government's 'failures'.

Once negotiations began, an early mistake was to allow the EU Commission to browbeat us into accepting their preference on sequencing [7]. Our main concern was to discuss future trade arrangements, but we found ourselves bogged down

for many months quibbling about three different topics. First, with only a modicum of goodwill (largely lacking on the EU side) we could probably have sorted out straight away the reciprocal treatment of EU nationals in the UK and UK nationals in Europe. Second, the EU magnified the 'problem' of the border between Northern Ireland and the Republic, even though none of the parties wanted any more of a border than already existed. The third topic was the money due to the EU under any Withdrawal Agreement, which was far more important to the EU than to the UK.

The British side kept on repeating the EU mantra that 'nothing is agreed until everything is agreed'. Mrs. May said 'No Deal would be better than a bad deal', but before and for many months after triggering Article 50, the government made hardly any preparations for No Deal [8]. Indeed the Chancellor of the Exchequer announced that he wasn't going to waste money on it. We needed to establish that we were getting ready for a possible No Deal outcome. In that case any provisional UK payment would be off the table, but Philip Hammond's foolish approach weakened our position.

The EU has never been much good at striking trade deals. They always seem to take ages, even with tiny countries (there haven't been many EU deals with large countries). Even so, the British side failed to show much urgency in making progress on future trade arrangements [9], despite its importance to us. It would be absurd for the UK to continue to adhere to EU trade policies after Brexit, since our emphasis on financial services means that our trade interests are – and always have been – very different from those of the other twenty-seven member states.

The EU itself has made plenty of mistakes – for example, bringing in the euro too early and keeping its 'four

freedoms' even when the nature of the project changed from a joint project of half a dozen similar developed countries in Western Europe to a continent-wide 'project of an empire' comprising twenty-eight diverse countries.

The two-year time limit of Article 50 which the Lisbon Treaty introduced in 2006 aimed to make leaving the EU very difficult. So it shouldn't have been surprising that the EU Commission – which in 2002 Christopher Story described as 'the enemy of its Member States' – chose to treat the UK almost as a defeated enemy rather than as a friendly neighbouring country seeking to quit a project about which it had always been half-hearted.

The 2017 general election in the UK endorsed the Brexit mandate. Both main parties, between them gaining 85 per cent of the votes cast, undertook to respect the referendum result. There is little reason to think that the Labour party opposition, had they been in government, would have managed Brexit any better. Their members of parliament were less badly split on Brexit, though *most* of them did not support their leader. (compared with merely a large minority in the Conservative Party). But those who voted Labour in the general election were just as badly split between Leave and Remain as the Conservatives.

Finally, during the first half of 2018, while the Brexit Department was working on a White Paper containing detailed British proposals to the EU, the Cabinet Office was secretly preparing a completely different White Paper without telling the Brexit Secretary! [10] No wonder David Davis and Foreign Secretary Boris Johnson resigned soon after the Cabinet first saw the rival White Paper. Partnerships are supposed in law to require 'utmost good faith', but clearly the same is not true of cabinet government.

BOOK REVIEW

Derek Sterling

Eurozone woes

The upcoming and unavoidable threats to the euro and by definition the eurozone as a whole are fully exposed in this publication.

Bob Lyddon an expert in international banking explains why the euro will only survive if;

1. All member states adopt the euro
2. A single Bank Deposit Compensation Scheme
3. Unification of the euro-system into a legal person
3. Harmonisation of the forms of central bank money
5. Mutualisation of government debt.

He shows how the European Central Bank quantitative easing programme known by the name “Asset Purchase Programme” or “APP” is itself a threat to the stability of the eurozone along with the EU Fiscal Stability Treaty

The Euro’s Battle for Survival
Entering the Red Zone
by Bob Lyddon

Bruges Group
Pamphlet 52pp 2018

Available from
The June Press
Price £5.00 + 10% p&p
(see back cover)

ISBN 978-0-95646148-3

requirements. To this we have to add the threat of interest rate rises which could push the eurozone into further decline.

In a clear and concise way he shows how dangerously balanced the financial dealing within the banking sector of the eurozone members are.

For those with an enquiring mind in the glossary many of the acronyms used by the EU are explained.

Lyddon concludes his interesting analysis of the dangers inherent in the eurozone by rightly pointing out that the EU and the Euro must inevitably become the same thing: that was the objective all along. The condition of the Euro in the Red Zone will offer the supporters of a European superstate to enforce a going forward: they cannot countenance a going back.

Should the UK fail to get a proper full exit from the EU (and all its upcoming financial problems) the UK economy will also suffer greatly.

The level of current Brexit negotiations could well result in the UK tying itself to a form of Customs Union and liabilities for future financial support for the EU and by extension any losses in the eurozone.

French youth face National Service

The French 16-year olds whether they are male or female, can now look forward to doing time in the National Service of France.

The announcement by the French government to introduce this plan follows the idea proposed by Emmanuel Macron during his presidential campaign for national service. He suggested that this would promote a sense of national unity and civic duty for the French youth.

How the French youth will see this interesting idea when or if it comes into force remains to be seen! While many older people may consider this a

good idea to keep the teenagers of the streets others may see it as a return to the past and not always in a good way.

The idea comes in two parts, the first being a mandatory one-month placement which the government says will “enable young people to create relationships and develop their role in society”. This will consist of a placement with a focus on civic culture.

Voluntary teaching and working with charities are among the options also being considered, alongside traditional military preparation with the army, police, or fire service.

The second part is a voluntary placement of at least three months and up to a year, in which young people will be encouraged to serve “in an area linked to defence and security” - but they could also decide to carry out volunteer work linked to heritage, the environment or social care.

Should this idea become an European Union wide project which is quite likely, the time periods currently envisaged could easily be extended.

Many UK 16-year olds will consider themselves fortunate that the UK has voted to leave the EU and keep control over education.

Negotiating problems

The EU’s chief negotiator Michel Barnier speaking last week said he is “strongly” opposed to key parts of Theresa May’s proposals for a future trade deal.

May’s response was that she would not compromise on the United Kingdom government’s Chequers plan.

Barnier also said that plans for a “common rulebook” for goods but not

services were not in the EU’s interests. Furthermore, he added that our own ecosystem has grown over decades “You cannot play with it by picking pieces”.

House of Lords reform

Don Briggs

Geoffrey Johnson's letter in the 20th July issue of *euofacts* was an important contribution to the debate about the dangerous contempt which voters now have for our democratic institutions.

He urges a vigorous campaign to abolish the House of Lords and replace it with an English Parliament.

Would another, ethnic, set of politicians alter the fact that only 9 per cent of the electorate have any significant faith in local or national government today, according to research by the conservative think tank the Centre for Policy Studies? Its report "*Who governs Britain?*" found that 40 per cent have no trust whatever in the House of Commons. In Wales, 54 per cent said they had no idea their devolved government made or enforced laws that applied to them. In Scotland, it was 42 per cent.

So would an English Assembly, inferior to a Westminster Parliament with all checks and balances on it removed, make any significant difference?

There have been ten attempts to weaken or abolish the Lords since 1918.

In the last one, in 1999, Lord Sudeley reminded us of the three equal elements which Aristotle had defined as providing the best form of government: Monarchy, Aristocracy, and Democracy. Edmund Burke endorsed Aristotle's view.

Abolishing the Lords would kill off the last of the Aristocratic element — the remaining 92 prescriptive (hereditary) peers. That, Lord Sudeley warned, would be a direct attack on the Monarchy. Two safeguarding elements abolished at a stroke.

France did just that and guillotined

King Louis XVI in its Revolution of 1789. It also sidelined religion, which we are now doing. The consequences were ten years of bloodshed, 'The Terror,' and Napoleon's dictatorship waging war to create an Empire of Europe.

A century earlier we had executed King Charles I to end his dictatorial power, and abolished the Monarchy element. We quickly realised our mistake, and restored it.

Contempt for the Lords today stems from the Life Peerages Act of Harold Wilson's Labour government in 1958. It provided for "any person" to be given the right to sit and vote in the Lords.

Wilson appointed 14 Life peers. Today there are 676, out of a House numbering 793. Of the 18 Lifers who have taken 'leave of absence,' most have ducked their parliamentary duty for years.

Labour's 1958 Act weakened the independent Aristocracy element's ability to curb the power of the Executive. They had exercised that duty, enshrined in law, since Magna Carta in 1215.

The Lords still have the power to protect Democracy by enforcing an election after five years. David Cameron's government gave MPs a five-year job contract, weakening the Democratic element still further. He and Blair have packed the Lords with political stooges, and we are now well on the road to a dictatorship by our political elite.

We cannot say we were not warned. Winston Churchill had nothing but contempt for Constitutions devised by lawyers like Blair. Our Constitution had grown organically and was unwritten, except in laws which

Parliament passed as necessary, until Blair changed it.

We should not forget that it was Churchill, derided in the 1930s as a pariah MP from an aristocratic family, who for ten years challenged the political elite by warning the people of the growing danger of Nazi Germany. He knew that the British people might be "dull, but they do react."

As an aside, it is worth noting that if a government had decided to dismantle the Lords by invoking the Parliament Act of 1911, it could have been sued over whether it was legal or constitutional for one House of Parliament to destroy the other without its consent.

That is why Blair created the Supreme Court by abolishing the House of Lords' power as the highest court in the land.

Today the Lords is a quango of the Prime Minister's choice, and rides roughshod over the wishes of the electorate.

We should be wary, Mr Johnson, of throwing out the baby with the bath water. The answer to our troubles is not to abolish the Lords. It would only strengthen the hand of those who would integrate us into an EU superstate.

The better solution would be to strengthen the independent Aristocratic element. That could return us to a new golden age of Democracy, which we had in the 19th century.

It might even appease the PC Brigade a little, if we were to change the law to oblige eldest aristocratic daughters to serve in the Lords which their campaign group, Daughters' Rights, is appealing to the Court of Human Rights to do.

May's turn around

Despite promising a sovereign Brexit in January 2017 at her now famous Lancaster House speech, Theresa May has conceded ground at

every turn. Firstly, offering a £39 billion pay out to the EU and following that by an ill-judged transition period effectively keeping the UK in the EU

until start of 2021. That means the application of EU case law, denial of an independent trade policy, with concessions over EU migration.

Our Parliament is lawful

Michael Shrimpton

Albert Burgess's heart may be in the right place, but he is no constitutional lawyer, with respect. I cannot let the glaring errors of law and fact in his "What constitutes a lawful Parliament?" article *eurofacts* 20th July go uncorrected.

Parliament as we know it wasn't set up as such, like the US Congress. Its origins are lost in the mists of time and it developed over the centuries. Its tripartite nature (Sovereign, Lords and Commons) was not confirmed until *Prince's Case* in the 17th century. This is nothing to do with the common law, which developed in parallel. Common law always gave way to statute.

All that happened in 1911 is that certain bills could become acts without the consent of the House of Lords. When the Commons and Sovereign so act they are the delegates of Parliament, although the House of Lords muddied the waters with respect in the *Jackson* case over the so-called Hunting Bill.

Parliament continued to be lawfully constituted and all acts passed since then are valid. The only exceptions are bills pushed through under the measure calling itself 'The Parliament Act

1949', which was rejected by the Lords. Even that exception was cut down in *Jackson*, although the reasoning, if that not too strong a word, scarcely commands respect.

The notorious European Communities Act 1972, which will be repealed when the EU Withdrawal Act comes into force, is entirely valid – stupid, yes, but valid nonetheless. There have been plenty of stupid Acts of Parliament. My favourite, from the reign of Henry VIII, confused gypsies with Egyptians and banned the latter.

Acts can be repealed either expressly or impliedly. In *Metric Martyr* we argued that the ECA72 had been impliedly repealed by the Weights and Measures Act 1985, as indeed it had been. The decision in that case lacks intellectual rigour with respect and applied authorities and arguments which were never put to counsel.

There are no 'super statutes'. Most of Magna Carta has been repealed. The Bill of Rights is as vulnerable to implied repeal as any other statute, as Popplewell J. held in *ex parte Burke*, where the applicant sought to argue that as a Protestant he could bear arms,

notwithstanding the Firearms Act 1997. The case was rightly thrown out, although the reasoning of the Court of Appeal is less clear, with respect, than that of Popplewell J.

Legislation can be initiated in either House. It is only money bills which start in the Commons.

The last Monarch to refuse Royal Assent was Queen Anne. King Edward VII most certainly did not refuse Royal Assent to the Parliament Bill – he didn't need to, as the House of Lords had chucked it out, only giving way after the German asset Asquith went to the country.

The true story of what happened in 1911 was given for the first time in my book *Spyhunter* (see rear page of *eurofacts*). Working hand in glove with our community partner the Hun, Asquith was trying to start a civil war in Ireland, which would have prevented Britain going to the aid of France and Belgium when the Germans attacked. He needed to side line the Lords. In the events which happened the Germans felt they could not wait until 1915 and the Government of Ireland Act never came into force.

Brexit fear tactics now apparently also employed by the Police

Now the police engage in fear tactics over Brexit!

The independent Labour Peer, Lord Stoddart of Swindon has strongly criticised the Association of Police & Crime Commissioners for their interference in the debate over Brexit. The Eurosceptic peer described their letter to the Home Secretary as an "unwise and unpopular political intervention from an organisation representing a deeply unpopular layer of bureaucracy that has been an undistinguished addition to the cost of policing in the UK."

Lord Stoddart said: "It really is very

disappointing that the Police & Crime Commissioners have chosen to add to the hysteria over Brexit. They should stay out of politics as their ill-informed and one-sided letter demonstrates. They have cited the loss of the European Arrested Warrant (EAW) as a major concern despite the Government having frequently made it clear that it intends to remain committed to the EAW, regardless of the fact that it goes against all the basic tenets of English law i.e. you can be shipped abroad without a proper hearing to face trial on something that may not even be a crime in this country.

"Nowhere in their letter do they mention the considerable security problems created by the EU's open borders policy which allows terrorists to skip from one country to another, after they have committed their atrocities. They also fail to mention the concerns many non-EU countries have about sharing intelligence with the EU, which is not regarded as secure. Brexit gives us a major opportunity to secure our borders and make this country safer. It is a shame that the Police & Crime Commissioners seems to be opposing this significant new opportunity."

LETTERS

Tel: 08456 120 175 email: eurofacts@junepress.com

Sovereign

Dear Sir,

The poem by J.A. Heywood in the July issue of *eurofacts* outlines the key reasons why we need the reforms to our governance advocated by the Harrogate Agenda's six demands which centre around being recognised as sovereign rather than parliament.

NIAL WARRY

Somerset

Celebration time

Dear Sir,

With only 6 months to go before UK Independence Day - 29th March 2019 - serious thought and planning needs to be applied to the preparations for celebrating this great day: It can't be left until the last minute. I suggest a two line approach to this:-

1) Pro-Brexit *organisations* should get together to set up an umbrella organisation to plan for the event. It's probably too early in the year to have street parties, but parades, motorcades, civic events and funfairs, plus firework parties in the evening, should be (inter alla) on the agenda, together with broadcasts of music with a patriotic flavour. These things would be carried out at local level, but at national level, there should be TV screening of Henry Fifth, Camelot, Braveheart, My Fair Lady, etc. After nightfall, public building's should be in red, white and blue.

2) Pro-Brexit *individuals* should lobby their MPs to have UK Independence Day as a public holiday, and to make it a permanent fixture in the calendar (Just like July 4th in the USA). Could people with computers organise an online petition for this proposal to be put before Parliament? This will also enable voters to see clearly who the miserable traitors and quislings are in Parliament who don't welcome the Independence of their

own country (can you imagine any American Congressman or Senator opposing the celebration of the Fourth of July?).

Of course, the nay-sayers (Remoaners) will try to find excuses (e.g. "Transition") for not having March 29th as the day for celebrating Independence, but it is important that we stick to this date: If we are sidetracked into accepting a date in December 2020, the Independence celebrations will be smothered by celebrations for Diwali, Hanukkah, Christmas and the New Year. It was EU-appeaser Theresa May herself who will have to stick to it, whether she likes it or not.

So let's start getting organised! This could be the start of a much-needed upsurge of pride in our country which will leave the Remoaners as a minority of disgruntled, Inward-looking cranks, while we get out of the oppressive (and expensive) EU, and into the big, wide-world.

ROGER ENSKAT

London

EU ombudsman speaks out

Dear Sir,

I was pleased to see that the EU ombudsman has given a damning verdict on the way Jean-Claude Juncker's chief of staff was given the top post in the bloc's civil service.

Ombudsman Emily O'Reilly has identified four counts of maladministration by the European Commission, going on to say that the promotion of Martin Selmayr nicknamed "the monster" had damaged public trust in the EU institutions.

The MEP appears to think that the public did trust the Commission!

Selmayr's was fast-tracked in February in a move condemned by one MEP as a "coup".

What this example shows is that the

European Commission and the likes of Juncker and his friends cannot be trusted by the people they are supposed to be representing.

SUSAN MENDIS

Derby

German influence

Dear Sir,

I don't think people appreciate the influence that Germany has over the happenings in Europe, after all there would not have been a Germany had it not been for Bismark and the installation of a Customs Union - to create the German Republic from a rabble of smaller kingdoms *et al.*

If the Germans have their way they will create a country called Europe by instituting and maintaining a Customs Union - as before.

Our participation in any way in a Customs Union in Europe is the death knell to our Sovereignty.

T.C. SCRIVEN

West Sussex

Negotiating technique

Dear Sir,

What a performance. From my personal experience, I would not let civil servants loose with my negotiations whatsoever!

One rule is that you do not let your opponents know what you really want until perhaps you are clear about what you want.

Never go into negotiations with the EU *not* expecting them to bully, cheat and use every possible - and some impossible - means to do you down.

We trade with about everybody else under WTO rules. Just do it! Look what you don't have to pay!

Luckily I think all my worst fears are being realised and WTO here we come anyway.

OLIVER TYNAN

North Yorkshire

MEETINGS

**Liberal Democrats
Party Conference**

15th - 18th September

Brighton Centre

UK Independence Party Conference

21st - 22nd September

ICC Birmingham

Labour Party Conference

23rd - 26th September

ACC Liverpool

Conservative Party Conference

30th September - 3rd October

ICC Birmingham

FRINGE MEETING

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**Further details and speakers to be
announced**

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"Brexit"

Recovery of Sovereignty or Loss of
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**Sir Geoffrey Nice QC, Emeritus
Professor of Law**

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UK Parliamentary **13th September**
Government Conferences
recess Starts

UK Parliamentary **9th October**
Government Conferences
recess ends

EU Summit **18th October**

UK budget **November**

2019

Romania takes over **1st January**
EU Council Presidency

Official date **29th March**
for completion of
Article 50 negotiations
between the UK and the EU
and start of a possible 'Transition
Deal' due to end in December 2020

EU post-Brexit Summit **May**
Sibiu, Romania

EU MEP elections **23rd-26th May**

Finland takes over **1st July**
EU Council Presidency

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British Future

www.britishfuture.org

British Weights & Measures Assoc.

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Campaign Against Euro-Federalism

www.caef.org.uk

Campaign for an Independent Britain

www.campaignforanindependentbritain.org.uk

Change Britain

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www.concordanceout.eu

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www.conservativesforbritain.org

Democracy Movement

www.democracymovement.org.uk

English Constitution Group

www.englishconstitutiongroup.org

EU Observer

www.euobserver.com

EU Truth

www.eutruth.org.uk

European Commission (London)

www.cec.org.uk

European Foundation

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Freedom Association

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Futurus

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Get Britain Out

www.getbritainout.org

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www.globalbritain.org

Global Vision

www.global-vision.net

GrassRootsOut

www.grassrootsout.co.uk

June Press (Publications)

www.junepress.com

Labour Euro-Safeguards Campaign

www.lesc.org.uk

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www.Leave.eu

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www.newalliance.org.uk

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www.taxpayersalliance.com

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