

Rebuilding from the Declaration of Independence

A New Foundation

Pre-Failure Research Group LLC — Jason D. McCoy | February 2026 | Version 5.0

Legal Posture Statement

This document is not a legal document. It does not claim legal authority under the current constitutional framework of the United States or any other jurisdiction. It claims philosophical and governance authority that precedes and authorizes legal change — the same posture held by the Declaration of Independence from 1776 until the Constitution was ratified in 1789.

The Declaration of Independence had no legal enforceability in 1776. It was the argument that made enforceable law possible. This foundation occupies the same position: the architecture of what replaces existing law when Claim 3 authority is validly invoked, and the standard against which existing law is measured when it fails the people it was established to serve.

Where this foundation's principles align with existing law — the International Covenant on Civil and Political Rights, the Fourth Amendment, the First Amendment, the Freedom of Information Act, and other instruments documented below — those alignments are noted. The foundation does not require those instruments to have authority. They confirm authority the foundation derives from the harm-based framework and the consent model established in Claims 1 and 2.

Authority for This Work

This document proceeds under the authority of Claim 3 of the original Declaration of Independence: when any Form of Government becomes destructive of the ends it was instituted to secure, it is the Right of the People to alter or to abolish it. This is not revolution. This is restoration.

The Claim 3 path does not go through Article V of the Constitution. It asserts authority that precedes Article V and authorizes new constitutional architecture without the existing amendment constraints. The precedent is the Constitutional Convention of 1787, which bypassed the Articles of Confederation's unanimous amendment requirement and established a new ratification process. The founders used Claim 3 authority. This foundation uses the same authority.

We are not outside the framework. We are using the framework's own logic against its drift. That is orthogonal, not oppositional.

Methodology

Each claim is evaluated through an ethical evaluation framework built for pre-failure governance analysis. The framework asks not “Does this help?” but “What does this turn you into if it works?” It binds the evaluator as tightly as the evaluated.

As of Version 5.0, each principle is connected to its governance-architecture implementation and its applicable existing legal authority. The foundation states the principle. The underlying platform architecture provides the technical structure. Existing law provides partial current enforceability where it exists. Where existing law does not reach, the Claim 3 path provides the authority.

Part One: The Four Original Claims

Claim 1 — Rights and Foundation

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

Verdict: Fails on foundation. Holds on substance.

“Self-evident” is faith dressed as logic. It cannot be audited and is not accessible across belief systems. Rights are rebuilt on a single auditable invariant: harm. You hold rights to the boundary where their exercise causes measurable harm to another. No creator required. No faith required. Accessible across cultures. Holds under scrutiny.

Claim 2 — Consent of the Governed

“That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.”

Verdict: Holds structurally. Incomplete on mechanism.

- **Verified** — actively given, not inherited or presumed from silence.
- **Informed** — consent obtained through deception, manipulation, or information control is structurally void.
- **Revocable** — government operating beyond consented scope triggers Claim 3 automatically.
- **Generational** — no generation is governed by the consent of the dead. Re-ratification on a defined schedule.

Any government action taken without verifiable informed consent is operating outside its just authority, regardless of procedural compliance.

Legal authority: ICCPR Articles 17, 19, 25 (binding treaty obligation).

Claim 3 — The Right to Alter or Abolish

“That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government.”

Verdict: Holds. Intact. Preserved in full.

This is the fail-closed clause of the original architecture. It authorizes this document. It operates on the path anterior to and above Article V. Historical precedent: the 1787 Constitutional Convention used this same authority to bypass the Articles of Confederation's unanimous amendment requirement.

Claim 4 — All Men Are Created Equal

“All men are created equal.”

Verdict: Principle holds. Original application fails.

Written by slaveholders. Applied to property-owning white men. Deliberate betrayal. Documented as original sin. The principle survives. The betrayal is in the record. Equal standing is non-negotiable, non-conditional, non-deferrable, and structural.

Legal authority: Fourteenth Amendment equal protection. ICCPR Article 26.

Part Two: Five Additions

Addition 1 — The Modern Grievance Record

Documented, auditable structural failures constituting the grievance that authorizes this rebuilding. Not allegations — adjudicated findings, regulatory determinations, and public record.

Surveillance without consent. Captured legislation. Asymmetric enforcement. Engagement-over-truth information infrastructure. Algorithmic manipulation of political belief without consent.

Addition 2 — The Extended Rights

Rights whose absence causes direct measurable harm. Each carries its applicable existing legal authority.

- **Clean water and breathable air.** Physical survival cannot be predicated on proximity to wealth or political favor. — Clean Water Act, Safe Drinking Water Act, UN General Assembly Resolution 64/292 (2010), state environmental law.
- **Accurate information.** The pursuit of Happiness requires the ability to understand the world you are navigating; systematic disinformation is a harm. — First Amendment, ICCPR Article 19, UN Special Rapporteur on Freedom of Expression reports.
- **Freedom from covert surveillance.** You cannot pursue Liberty while being observed without knowledge or consent. — Fourth Amendment, ICCPR Article 17 (binding treaty), Electronic Communications Privacy Act.
- **Freedom from algorithmic manipulation without disclosure.** Systems that shape belief, behavior, and opportunity must be visible to those they shape. — ICCPR Article 19, FTC Act Section 5.

- **Access to verified governance records.** The governed cannot consent to what they cannot see.
— Freedom of Information Act, state open records laws, ICCPR Article 25.

Addition 3 — Non-Violent Claim 3 Enforcement

The right to alter or abolish does not require violence. It requires evidence, documentation, and a process that cannot be quietly absorbed or dismissed.

- **Step 1 — Documented Deviation Record.** Every major government action above a defined threshold generates a signed, timestamped record measured against founding invariants, identifying the action, the invariant violated, and the class of persons affected. That class holds presumptive standing to invoke enforcement.
- **Step 2 — Public Record Trigger.** The record enters the public ledger automatically — not through petition or judicial permission.
- **Step 3 — Mandatory Response Window.** The governing body responds within a defined window with documented justification measured against the same invariants.
- **Step 4 — Forfeiture on Non-Response.** Non-response constitutes automatic forfeiture of the specific authority being exercised. Authority reverts to the governed.

Enforcement Jurisdiction Matrix

- **Privacy violations:** Fourth Amendment federal claims; ICCPR Article 17 treaty obligations; Electronic Communications Privacy Act civil actions.
- **Information manipulation:** First Amendment federal claims; ICCPR Article 19; FTC Act Section 5 administrative enforcement.
- **Clean water violations:** Clean Water Act citizen suit provisions; state environmental enforcement; EPA administrative action.
- **Governance record access:** FOIA federal actions; state sunshine law actions; mandamus proceedings to compel disclosure.
- **Broad Claim 3 invocations:** political, electoral, and historical accountability through public record — not legal remedies, but often more durable than legal ones.

Addition 4 — Collective Obligation

What the individual owes the collective: non-harm. What the collective owes the individual: the full rights list, equally, structurally, without condition. A collective that fails to deliver this obligation has triggered Claim 3 authority.

Addition 5 — Who Verifies the Verifiers

Multi-signature governance. No self-certification. Independent rotating validators. Financial independence requirement. Conflict disclosure with permanent removal. Concentration ceiling with automatic rebalancing. Trust lost once, regained once — second loss permanent.

Legal authority: due process requirements for government adjudications; administrative law standards for independent agency governance.

Part Three: Structural Principles as Governance Law

- **Privacy as Provable Constraint.** Government structurally cannot collect personal data beyond necessity. Immediate sequestration, multi-signature unlock, court order required, full audit trail. — Fourth Amendment, ICCPR Article 17.
- **Anti-Drift Enforcement.** Governance invariants are machine-checkable. Drift triggers automatic review. Every major action generates a documented deviation record — immutable, non-retroactively modifiable.
- **Manipulation Detection.** Detects when the information environment producing consent has been engineered, measured across multiple criteria-based dimensions, deliberately resistant to being argued down by eloquence. — ICCPR Article 19.
- **Structural Constraint Binds the Government.** Every proposed government action must pass through the same ethical evaluation framework before acquiring force. Good intentions do not constitute consent.
- **Irreversible Trust and Fail-Closed Default.** Trust lost once, regained once through formal verified process; second loss permanent. Defaults to the most restrictive access tier on any ambiguity.
- **Generational Re-ratification.** No generation is governed by the consent of the dead. Confirmed by the living on a defined schedule. Authority not renewed is inherited, not consented to.

Part Four: Complete Stress Test Record

Six test types completed. All hold. This record is part of the foundation's integrity documentation.

- **Four Scenario Types — Holds.** Hostile actor, edge case, historical, contemporary. One gap in Addition 5 identified and patched.
- **Governance Architecture Integration — Holds.** All four scenarios re-annotated with implementation references.
- **Legal Stress Test — Standing — Partial hold, resolved.** Broad Claim 3 fails; specific rights-tied deviation records with identified injured classes hold. Standing architecture added to Addition 3.
- **Legal Stress Test — Preemption — Holds.** Foundation does not conflict with the Supremacy Clause and does not claim current legal authority.
- **Legal Stress Test — Article V — Holds.** Claim 3 path is anterior to and above Article V. 1787 Convention precedent confirmed.
- **Legal Stress Test — International Law — Holds and strengthened.** ICCPR provides binding treaty support for Addition 2 rights.

- **Legal Stress Test — Enforcement Jurisdiction — Partial hold, resolved.** Primary enforcement through public accountability is correct; legal vehicle matrix added for court path on specific violations.

Complete Summary — Version 5.0

Preserved intact: Claim 3 — the right to alter or abolish, proceeding under its authority on the path anterior to Article V. The rights themselves — Life, Liberty, pursuit of Happiness — regrounded on an auditable harm-based foundation.

Corrected: Claim 1 rebuilt from faith to a harm-based auditable invariant. Claim 2's consent mechanism made verified, informed, revocable, and generational. Claim 4 made structurally non-negotiable under the harm-based framework.

Added: the Modern Grievance Record; Extended Rights with international legal authority; Non-Violent Enforcement with standing architecture and a jurisdiction matrix; Collective Obligation defined in both directions; Verifier Governance with anti-capture patches.

Integrated across versions: governance architecture named as the implementation layer for every structural principle; generational re-ratification integrated into Claim 2; a legal posture statement establishing philosophical and governance authority rather than legal authority; standing architecture in Addition 3; international law citations; and an enforcement jurisdiction matrix identifying existing legal vehicles for each right.

This is not a protest. This is not revenge.

This is a restoration of clarity.

We don't need permission to build what's necessary.

We don't need approval to protect what matters.

— Jason D. McCoy, Pre-Failure Research Group, February 2026

Version 5.0 · Philosophically Sound · Architecturally Complete · Legally Literate · Ready to Build On