

Frontiersman

November 1995

Bring in the Jury

by Sam Aurelius Milam III

One thing revealed by the O.J. Simpson trial is the fragility of the authority presently exercised by juries. The judge's sole and exclusive power to instruct the jurors, his absolute ability to censor everything that they see or hear, and his total control over their very lives while they're sequestered renders a jury potentially controllable by a judge. My observations persuade me that when such power is available it will eventually be abused.

Things could be very different. The success of a trial is dependent upon the performance and cooperation of the jurors. Once seated, jurors can demand their authority as a condition of performance. A court cannot afford to impanel an unlimited number of juries or to cite an unlimited number of jurors for contempt. Eventually, a court must yield to such a demand if the demand is persistent. Therefore, informed and united jurors have considerable power if they are brave enough to insist upon it.

In the Simpson trial, for example, the jurors should have elected a foreman at the very beginning of the trial, not at its end. They need

not have asked the judge for permission. They should simply have done it. That foreman should then have represented the will of the jury throughout the trial. The jury, not the judge, should have decided what evidence the jurors could see. The jurors should have had the right to seek any testimony that they believed to be important and to prevent any that they thought was a waste of their time. The jurors should have had a right to direct any questions they believed relevant to any individual that they chose to question. The jurors should have decided what media coverage they would watch. They are, after all, adults. And above all, they should have had the right to discuss the case among themselves, in any way that they chose, at any time they chose, from the very beginning of the trial.

Contrary to the instructions of judges and the opinions of DA's, the job of a jury is more than the narrow determination of guilt or innocence. A jury seeks to discover truth and determine justice. Ideally, and viewed over a large number of trials, juries are an ongoing constitutionality council. This is the method whereby the people can continuously and in person monitor and redirect the activities of government. Through juries, the people can enforce constitutionality without reliance upon obstinate bureaucracies or recourse to remote electoral processes. Juries are an embodiment of the will of

"An attorney does not hold an office or public trust, in the constitutional or statutory sense of that term, and strictly speaking, he is not an officer of the state or of a governmental subdivision thereof. Rather, as held in many decisions, he is an officer of the court, before which he has been admitted to practice. An attorney is not the court or one of its ministerial officers, or a law enforcement officer. He is, however, in a sense an officer of the state, with an obligation to the courts and to the public no less significant than his obligation to his clients. Thus, an attorney occupies a dual position which imposes dual obligations. **His first duty is to the courts and the public, not to the client, and wherever the duties to his client conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the latter.**"

—7 C.J.S. Attorney & Client § 4
<emphasis added>

the people. No mere judge ought to ever have power over the will of the people.

Inside Track

by Sam Aurelius Milam III

After the Amtrak wreck in Arizona this past October, the controlled media trotted out the approved possible causes: domestic terrorists; a disgruntled employee; mischievous kids. However, it might be instructive to wonder who would benefit from such a wreck. If you watched the news, then you saw the swarm of government agents at the scene. A lot of government employees got a lot of job justification from the wreck at a time of severe budget pressure. The wreck provided the U.S. government with a windfall opportunity to flex its muscles, to alarm people with anti-liberty propaganda, and to justify its repressive powers. So far as I know, the wreck did no harm whatsoever to the U.S. government while providing considerable benefit. Indeed, no other group will

benefit even half as much from this wreck as the U.S. government. That gives the U. S. government, at the very least, a motive. It also had opportunity and ability. Finally, it has its own investigative agency to conjure up phoney evidence. The lack of an "approved" suspect (that is, a non government suspect) would provide the additional benefit of an unsolvable crime and therefore an endless investigation.

Maybe the U.S. government didn't orchestrate the Amtrak wreck, but consider this. If the U.S. government is good and honest, then we risk nothing by being overly cautious. If the U.S. government does indeed conduct such covert acts of terrorism and misdirection, then we risk everything by being naive. With government, you cannot be too careful.

Freedom's Five Points of Power

by Don Cormier

In this article, I will use this definition of freedom: Freedom is a situation in which a person can do anything, limited only by physical conditions and by the intention to refrain from the initiation of violence or fraud against any other person.

A dynamic society in which all members experienced freedom as I define it would be driven by the following five power points:

1. The Power of the Master Mind

A master is an individual who will pay any price to achieve his or her goal, and who refuses to be controlled. A slave is an individual who can be threatened or bribed into surrendering his or her goal. Most of us are mixtures of both archetypes.

One of the characteristics of a "master" mind is self-knowledge. The master knows what he or she wants. The master also knows what to reject.

A master's goals are necessarily selfish in the strict sense of the term, but they are not necessarily selfish in the conventional sense. A master may choose devotion to God, devotion to others, or some other compassionate goal.

Once the goal is known, the master determines what work is needed, and then works diligently toward success. No matter what the situation looks like from the outside, a master never fails because the master is either working on or enjoying success. "Surrender" is not in the master's vocabulary.

Master mind attitudes are characteristic of people who want to live in freedom as I have defined it. When it exists, a free society must be powered by a large percentage of people with such attitudes.

2. The Power of Self-Mastery

The power of self mastery refers to the control or ownership of one's own body within the context of a truly free society. In such a society, self-ownership would be the fundamental property right from which all other property rights would derive, and to which all other property rights would be held secondary.

The power of self mastery would include the right to use one's body in any way, provided that the equal rights of others were not breached. It would include the right to deploy oneself in any voluntary contract.

3. The Power of Free Contracts

A free person can make a voluntary agreement to do something with another free person or with a group of such persons. Voluntary co-operation and free trade would characterize a truly free society, because other arrangements would involve a degree of slavery.

A form of organization harmonious with the free contract vision of society is the partnership. People could contract to form partnership groups, which could interact with other partnership groups. It is likely that individuals could belong to more than one organization. Many organizations with overlapping memberships

would tend to prevent any one organization from accumulating too much power.

4. The Power of Self Defense

Any person who can protect you better than you can protect yourself is by definition stronger than you are, and is therefore a potential threat. A free society will encourage people to find means of self defense that do not involve the delegation of defense to allegedly benevolent agents.

In a society where most personal interactions were governed by contracts, most "crimes" would be construed as breaches of contract. The person or persons harmed by such a breach would have the right and responsibility to seek remedy — including, when appropriate, violent remedy.

In such a world, the power of regulation and enforcement would be in the hands of the people as a whole, not in the hands of politicians. The common-law would emerge from the tomb of statute law. As the individual's power of self defense is increased, the danger of being ruled is reduced, and personal freedom as I have defined it is protected.

5. The Power of the Primal Environment

A truly free society would need to function at a technological level that would enhance the power of the individual in relation to all other individuals.

There are various ways to approach the problem. A high-tech way would involve inventions that would increase people's strength or increase their protection from attack. The problem with high-tech ideas is that they would probably be introduced so as to enhance the aggressive power of those who are already indulging in tyranny.

A low-tech way would be for the majority of people to cultivate a lifestyle based on decentralized forms of technology. We already have living examples: the hunter-gatherers who have survived in various parts of Africa, Asia, the Pacific, and the Americas. A full return to a primal way of life may not be feasible, but the modern, western way of life could be dramatically improved with determined steps in the direction of decentralized support systems. For example, intentional communities built around shared power sources, community gardens, or mini-waste treatment plants could enhance the individual without infringing on self-sovereignty.

Conclusion

Through the five points of power, the outlines of a future libertarian society have emerged. It would be a place in which self reliance would be the prime virtue, in which independence would be cherished, and in which personal interactions would be carefully limited by voluntary contracts. It would be a place where the responsibility for self-defense would rest on the individual, but where violence would be tolerated only in a context of self-defense. It would be a place in which power was distributed among the people by decentralizing technology to the greatest possible extent.

∞

Parasites

by Sam Aurelius Milam III

Consider some facts. I can buy a new music CD player and plug it into my 25 year old Sony stereo, and it will work. I'm not limited to Sony brand CD's, tape decks, record players, or even 8-tracks. Other brands work just as well. I can buy any telephone on the shelf at Circuit City, plug it into Pacific Bell, and it will work. I can use VHS or Beta video cassette players, any brand, with my old GE television and they will work. The reason is because of the compatibility of components through standard interfaces.

I have before me MacWarehouse catalogue volume 35a. Advertised therein (page 20) is the New 1995 Grolier Multimedia Encyclopedia on CD-ROM. The man at the 800 number assured me that the CD-ROM would easily operate on my Mac Plus if only they sold any CD drives that were compatible with a Mac Plus. The computer is only a few years old, but they don't make CD drives for it. His only advice was to buy a new computer. Should such a supplier of after-market products intended specifically for Macintosh computers be interested in compatibility with Macintosh computers? Maybe that's too much to expect. Maybe computer nerds just naturally have less common sense than audiophiles and the suppliers find them correspondingly easier to fleece. However, you'd think that at least Apple to Apple connections would work. You'd be disappointed if you did. I have before me The Apple Catalog, Late Summer 1993. Advertised therein is the Apple SuperDrive, intended for use with Apple Macintosh computers. The "minimum system requirement" for the SuperDrive is the Macintosh SE. That means it won't work on a Mac Plus which is also manufactured by Apple and is very similar to the Macintosh SE. Such incompatibility within a company's own product line would be intolerable in an industry with astute customers. I'll mention in my own defense that during the early years of Macintosh, when I bought mine, Apple had a different philosophy. Back then, an upgrade path was available that allowed me to upgrade my original 128K Mac all the way to the top-of-the-line Mac Plus. Today, the very meaning of the word *upgrade* has been perverted. In the past, upgrade meant bring an old computer up to current standards. Today it means replace an old computer with a new one.

When this kind of marketing philosophy is pervasive within the industry, and it is today, then people are forced to buy new computers whether or not they need them. That is, if computer users want to use new software and accessories, they must discard their old computers and buy new ones. I've heard this justified as capitalism. This is another indication of the inane mentality of many computer users. They don't recognize the difference between a capitalist and a parasite. A capitalist benefits from the benefit that he provides to his customer. A parasite benefits from the misfortune that he inflicts upon his customer. In fact, a parasite converts

customers into victims. The computer industry today is being run more by parasites than by capitalists. The parasites get away with it because computer users are apparently too stupid to recognize a scam when they see it. Don't misunderstand me. There's nothing wrong with buying a new computer **if you want a new computer**. However, if what you want is a new accessory or some new software and you're coerced into buying a new computer in order to get it, that isn't capitalism. It's a marketing scam.

We need to realize that even though the marketing parasites keep telling us that our old computers are obsolete, they're not. They still do the jobs they were originally intended to do. When they were new, they were advertised as the latest and greatest. They're as good now as they were then. A Mac Plus isn't any more obsolete beside a new Macintosh than a Remington .22 rifle is obsolete beside an Uzi. The fact is that not everybody needs or even wants an Uzi. The tool should be appropriate to the job. Accordingly, ammunition manufacturers didn't stop making .22 caliber ammo after the invention of the Uzi. Similarly, suppliers ought not to stop making things for old computers

A capitalist benefits from the benefit that he provides to his customer. A parasite benefits from the misfortune that he inflicts upon his customer.

just because there are new computers. When some snide salesman at a computer store sneers at me for using a Mac Plus (and that has happened several times), it doesn't mean that I need a new computer. It means that I need a new salesman.

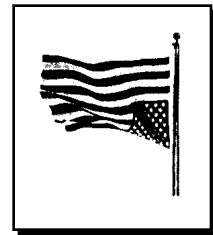
As new computers keep getting older every year, an increasing number of people will end up using older computers. As the inventory continues to age and the mainstream industry keeps trying to force people to trash older computers, a large and growing market niche is emerging. Here are a couple of product ideas for some enterprising entrepreneur, using my Mac Plus as an example.

- a software interface module that will reside between a Mac Plus and ResumeMaker (Mac'sPlace catalogue Nov.-Dec. 1994, page 37, minimum system requirement — Mac II). To ResumeMaker the module will look like a Mac II. To the Mac Plus it will look like a piece of software compatible with the Mac Plus. If you can market the module for less than the cost of a Mac II, keyboard, mouse and monitor, you can probably sell it to users of the Mac Plus who want to use ResumeMaker.
- an interface box that will allow an IBM style keyboard (cheap and widely available) to work in place of a Mac Plus keyboard (expensive and hard to find).

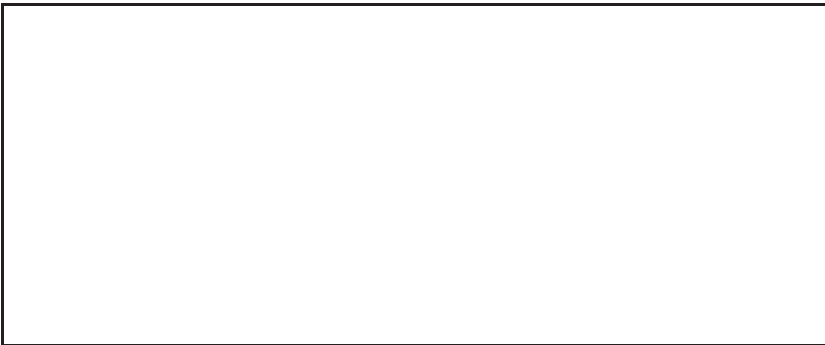
How complicated can it be? No matter how exotic the data being transferred, it's only bits. They go in one side of the interface and the equivalent bits come out the other side. Every combination of computer model, accessory, and software is a potential market for some such interface. Somebody out there must be capable of creating them. Maybe that individual is even unemployed. Here's the call to action for some entrepreneur who's been trying for years to convince his friends of the virtues of the free market. Get going and get rich before Microsoft wakes up and does it first!

Free Software
Microsoft Word 4.0
(No longer available from Microsoft)
Runs on Mac Plus with
system 6.0.8
(No longer supported by Microsoft)
Send 3 diskettes (800 K) and
postage paid return mailer to:
Free Association
435 South White Road
San Jose, California 95127

Frontiersman
435 South White Road
San Jose, California 95127
Produced at Mere Keep



Nation in Distress



Dear Editor,

I thought you might find the enclosed item of interest. It was originally in the October 24 Wall Street Journal. It is by a member of the U.S. government advocating the administration's plan to internationalize law enforcement.

What is so disturbing about this is that it will eventually allow United Nations tribunals to sit in judgment of American firearms owners. Please note the inclusion of firearms among the proscribed items (as well as explosives, cybernetics and drugs). What this really is about is giving the United Nations an extraordinary power to suppress any dissident movement worldwide by labeling it as "criminal" – remember, in the majority of the world's countries, there is no right to bear arms. Significantly, while this article talks about the necessity to target "criminals" it ignores violations of basic liberties when committed by law enforcement agencies, as per Waco or Ruby Ridge.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and **all treaties** made, or which shall be made, under the authority of the United States, **shall be the supreme law of the land**; and the Judges in every State shall be bound thereby, anything in the Constitution or law of any State to the contrary notwithstanding.
—Article 6, Section 2, U.S. Constitution
<emphasis added>

We also need to realize that some of the so-called "international criminals" are in fact legitimate resistance movements fighting against U.S. intervention in their homelands. A good example is the Andean drug cartels, which have been conducting an insurgency in defense of peasant lands against U.S. backed assaults.

It is clear that the United States government is shifting away from representing the American people and is instead becoming a supranational authority with accountability to no one.
sincerely,

—Joseph Miranda, Managing Editor
California Liberty

Notice that Joseph's fears are entirely supported by Article 6, Section 2 of the U.S. Constitution, which makes the U.N. Charter a part of the supreme law of the land. The Wall Street Journal article is too long to print here. I'll provide a copy of it upon request to any reader who wants one.

—editor

On the Road with Buffalo Hunter

Our traveling correspondent Buffalo Hunter, Buck's brother, recently decided to try out a little roadside cafe that had been highly recommended by a friend. The timing worked out such that he got there just at the breakfast rush. Because of the crowding, Buff ended up seated with a glossy looking woman in a business suit at a small table at the back of the cafe. Buff manfully ignored his misgivings at this development, and perused the menu. Quickly discovering one of his favorite dishes, he joyfully announced, "Wha sheucks, ma'am! Ah believe ah'll just have me some o' that there saw-tayed beef tongue!"

"Yuk!" announced the polished female, curling her lip in disdain at Buff's accent. "I wouldn't eat something that came out of a cow's mouth! I'll just order some eggs, instead!"

Buck Hunter Shoots Off His Mouth

Dear Buck
Can you recommend a good auto wrecker?

—Need Some Parts

Dear Need Some Parts
How about my wife?

If you don't want to keep receiving this newsletter, print RETURN TO SENDER above your name and address, cross out your name and address, and return the newsletter. When I receive it, I'll terminate your subscription.

Back issues or extra copies of this newsletter are available upon request. Permission is hereby granted to reproduce this newsletter in its entirety or to reproduce material from it, provided that the reproduction is accurate and that proper credit is given. Please note that I do not have the authority to give permission to reprint material that I have reprinted from other publications. For that permission, you must go to the original source. I would appreciate receiving a courtesy copy of any document or publication in which you reprint my material.

I solicit letters, articles, and cartoons for the newsletter, but I don't pay for them. Short items are more likely to be printed. I suggest that letters and articles be shorter than 500 words, but that's flexible depending on space available and the content of the piece. I give credit for all items printed unless the author specifies otherwise.

This newsletter isn't for sale. If you care to make a voluntary contribution, you may do so. The continued existence of the newsletter will depend, in part, on such contributions. I accept cash and postage stamps. I don't accept checks, money orders, anything that will smell bad by the time it arrives, or anything that requires me to provide ID or a signature to receive it. In case anybody's curious, I also accept gold, silver, platinum, etc. I'm sure you get the idea.