



Frontiersman

December 1995

When the Barometer Falls....

by Sam Aurelius Milam III

A bill of rights doesn't address privileges. It addresses rights. Bills of rights have never been well understood in this regard. Even the writers of Black's Law Dictionary were confused, as you can see in the accompanying definition of *Bill of rights*.

.... *Bill of rights*. A formal and emphatic legislative assertion and declaration of popular rights and liberties usually promulgated upon a change of government; e.g. the famous Bill of Rights in English history. Also the summary of the rights and liberties of the people, or of the principles of constitutional law deemed essential and fundamental, contained in many of the American state constitutions.... That portion of Constitution guaranteeing **rights** and **privileges** to the individual; i.e. first ten Amendments of U.S. Constitution....

—from the article *Bill*, Black's Law Dictionary
<emphasis added>

Generally, a right is something

1. that is within your ability,
2. for which permission isn't required, and
3. that is generally or customarily accepted or condoned.

If you have to ask for permission, or pay a fee, or get a license, it isn't a right. It's a privilege. A privilege is something that you can do only when and as you are permitted. A privilege is what you get when a court "gives you the right" to do or to have something. Rights cannot be given. Only privileges can be given.

The first 10 amendments to the U.S. Constitution are widely regarded as a bill of rights. However, this particular bill of rights ought to have been called the Bill of Goods.

Few of these amendments actually protect rights. The power of eminent domain, for example, exists not in spite of the fifth amendment, but because of it. Your property might have been safer from government seizure if the fifth amendment had never been enacted.

Even with it's deficiencies, however, the Bill of Rights isn't the main

bill of goods.... 2. *Informal*. A plan, promise, or offer, especially one that is dishonest or misleading....

—from the American Heritage Dictionary of the English Language

"eminent domain - The power to take private property for public use by the state, municipalities, and private persons or corporations authorized to exercise functions of public character....

"In the United States, the **power of eminent domain is founded in both the federal (Fifth Amend.)** and state constitutions...."

—from Black's Law Dictionary
<emphasis added>

problem. For example, protection against self incrimination is **not** limited by the fifth amendment to only criminal cases. The limitation, which does indeed exist, has been caused not by the fifth amendment but by the guile of the courts and the ineptitude or cowardice of the people. The exercise of arbitrary authority and compromise for the sake of expediency has disallowed this right in cases other than criminal cases.

If Americans had been strong and informed, they could have preserved liberty without any bill of rights at all. Instead, they engaged in trivial pursuits and relied upon the Bill of Rights as though it could preserve liberty for them by itself. Thereby did they allow the end of liberty. No mere document, however exhaustive and rigorous, can by itself prevail against the insidious powers of government. Those powers are ruthless and ever-present. In the real world, they must be confronted without hesitation or compromise, not by paper but by people. A written bill of rights is useful, but only as a barometer. It provides a baseline against which to measure the arrogance of government. It won't protect us, but it can give us a warning and tell us when to be wary. When the barometer falls, a storm is on the way.

Woperson's Rights

by Sam Aurelius Milam III

During some recent research, I discovered that the foreman of the Santa Clara County grand jury is a woman. However, a clerk at the courthouse informed me emphatically that this woman isn't a foreman, but a foreperson. You'll never guess the lady's name: Nancy Freeman. That's right. Not Freeperson. Freeman. Yet the syllable *man* in a name has just as much gender significance (that is to say, none) as it has in a title. She didn't change her gender designation from woman to woperson, did she? Alright then. She should either change her name to Freeperson and her gender designation to woperson or quit yapping about nonsense and try instead to be a good foreman. I can't help but wonder if there's a "stupidity" requirement for being a woman's rights advocate. ♂

Unauthorized Opinion

by Sam Aurelius Milam III

I mentioned to a woman over the telephone recently that I manage to keep my expenses low because I don't have to pay for either a woman or a car. Those two expenses, I commented, are a man's biggest ones. She replied that I would feel differently if I had a working wife. Having had two of them, I told her that even a working wife is a net loss because she will spend more than she earns. Well, the woman replied, you just picked the wrong women. Such a response is no surprise. Rather than try to refute my position with facts (which might be possible) she tried to impugn my credibility with an accusation. Her assumption is that my experience is valid **only** if it leads me to a favorable conclusion about women. Any other conclusion is forbidden and is therefore viewed as proof that my observations are flawed. Worse yet, there is no discredit to those "wrong" women for having something wrong with them. That's entirely acceptable. The problem is mine for picking the wrong women.

Since this woman was reinforcing my unfavorable opinion about women, I decided that she might possibly be one of those "wrong" ones that she had accused me of picking. I didn't want to lower her opinion of me by talking to the wrong kind of woman, so I got off the phone as quickly as courtesy would allow. ♂

Dorothy Day: Pacifist Anarchist

by Don J. Cormier

In answer to your unvoiced question -- No, Dorothy Day was not the long-lost sister of Doris Day, nor was she the model for "Dorothy" in *The Wizard of Oz*. Dorothy Day was the America's most prominent anarchist/pacifist/Roman Catholic. The reason she's not better known is that the establishment press has no real interest in publicizing people with such characteristics. Sexy scandals sell better than stories about social justice -- but unlike most tabloid "heroes", Dorothy Day worked hard to make the world a better place for others, rather than to better her place in the world.

Dorothy Day was born November 8, 1897, in Brooklyn, New York, to a lower - middle class family. Her early years were unsettled. Her father was a journalist and would-be novelist, but he had problems earning enough money to support his children and the family moved frequently.

In 1906, she experienced the San Francisco earthquake. In later years, she said that the generosity and friendliness shown by people in the quake's aftermath made a great impression on her. It gave her an example of how good society could be.

As a youngster, she showed unusual intelligence and independence. Although she was exposed to conventional Christianity, her reading of science, history, and world literature brought her to espouse atheism.

In 1914, thanks to a Hearst scholarship, she entered the University of Illinois. The scholarship was not enough to cover all expenses, so Day had to work at various low-paying jobs. The combining of work and study was difficult. Perhaps because she had a sense of being personally victimized by the capitalist economic system, Day associated with campus communists.

In 1916, she quit college and went to New York in search of a newspaper job. She was hired as a reporter for the *Call*, a small leftist newspaper. In 1917, as World War I loomed, she became an editor with *The Masses*. Because this paper took a far-left, anti-war line, it was shut down by the government. Day narrowly escaped prosecution for sedition. Shortly after, for the first time in her life, Day was arrested at a demonstration for women's suffrage. She spent 30 days in jail. Eventually, President Wilson pardoned all the women arrested at that particular demonstration.

After the war, Day worked for various newspapers and magazines. She published a novel, and because of that she worked in Hollywood briefly as a screenwriter.

She married an older, wealthy man, but quickly divorced him. She had lovers, but she didn't find a "white knight" to satisfy her needs and longings. Her personal unhappiness and search for meaning brought her to re-examine the claims of religion. She decided that God really did exist, after all.

In 1927, Dorothy formally converted to Roman Catholicism. In the same year she had a child, Tamar Theresa Day. Dorothy's conservative acquaintances were scandalized by the fact that she had a child out of wedlock, and her socialist friends were scandalized by the fact that she became a Roman Catholic.

The conversion marked a major change in Day's life. Although she did not "take the veil" in any public way, she became in effect a nun, organizing her entire life around devotion to God. The yearnings of her heart were assuaged by the spirit of Jesus Christ. Day's interpretation of the Gospels was simple and literal to point of being almost fundamentalist, yet she managed to see in Christ's teaching a message of pacifist socialism completely at odds with conventional fundamentalism.

In the description by Matthew and Luke of the sermon on the mount, Christ says that people should love their enemies and not resist evil. Day interpreted this to mean that it was *always* wicked to cause another person deliberate harm. She did not believe that Christ made any exception for self-defence. This meant that it was immoral to participate in war, to support police or jails, or to enforce any laws with violence. It meant that she was more or less an anarchist.

She also took very seriously the parable found in Matthew 25, verses 31 through 46. In that parable, God rewards the generous at the end of the world: "...for I was hungry and you gave Me food; I was thirsty and you gave Me drink; I was a stranger and you entertained Me; naked, and you clothed Me; sick, and you looked after Me; in prison, and you visited Me... insofar as you did it to one of the least of these brothers of Mine, you did it to Me." Day took this as a directive to devote her life to serve God by serving the poor.

In 1932, she met her "John the Baptist" -- Peter Maurin. Maurin was considerably older than Dorothy. He was a French immigrant who had spent most of his life in low-wage jobs. The Bible and Proudhon had transformed him into something that would pass very easily as a "street crazy" -- an arm-waver who would press his religious and social beliefs on anyone in range. Day saw beneath his hobo exterior and decided that she was in the presence of a modern prophet. She invited him to live with her, and he became her mentor.

In 1933, Day and Maurin started the Catholic Worker movement. The purpose of the movement was to provide an organized way for people to worship and obey God by providing food, clothes, housing and care to the poor. In addition to providing material help to the indigent, the movement preached it's ideas through a newspaper, *The Catholic Worker*. Day wrote copiously for this newspaper, and also found time to write various books. She badly wanted to show her socialist friends that it was possible to oppose society's evils without throwing away religion.

Surprisingly, the Catholic Worker movement grew rapidly, with volunteers flocking to run hospitality houses in many cities around the United States. Despite the depressed conditions of the 1930's, a steady stream of donations, frequently in the form of goods rather than money, kept the operations going.

An idea strongly promoted in Catholic Worker circles was that to be involuntarily poor was bad, but that to *voluntarily* forego luxuries for the sake of having more to share was Christ-like. The movement went further and preached that a life without possessions -- or with very few possessions --

— continued on page 3 —

could be more enjoyable than being rich. This followed the Walden Pond teaching of Henry David Thoreau, and anticipated many of the "small is beautiful" ideas associated with the ecology movement of the 1970's.

World War II did not cause the *Catholic Worker* to drop its pacifist editorial policy. As one might imagine, in the flag-waving atmosphere promoted by the government at the time, this stance was unwelcome. The popularity of the group plunged. Prominent conservative Catholics urged Day's bishop to denounce her. However, Day's adroit diplomacy — accompanied by fervent prayer — prevented a major breach.

During the subsequent cold war, the pro-peace ideas of the group were denounced as "communist", and members were investigated by the F.B.I. Despite this harassment, the movement regained lost ground and gradually gained new adherents. Peter Maurin died in 1949, but his place was ably filled by Ammon Hennacy. He was the father-in-law of Day's daughter, who was by that time grown.

Day felt that Christians were called to "tell the the truth to power", even if that meant personal suffering. In the 1950's

and 60's, Day was arrested several times for participating in "Ban the Bomb" demonstrations. She was extremely active in the anti- Vietnam War movement and her example inspired many people. A member of the Catholic Worker movement was one of the first to publicly burn his draft card. Her last arrest was in 1973, in connection with Cesar Chaves' union organizing campaign.

Her years of prayer, service, and activism ended with her death in 1980. Long before her end, she said: "Don't call me a saint -- I don't want to be dismissed so easily!"

The lesson of Dorothy Day's life is that a good Christian can legitimately oppose the operation of the State -- that Christ's message is one of liberty from men through obedience to the Lord. The Catholic Worker movement is still striving and thriving.

There are many books by and about Dorothy Day. For further reading, I suggest *Dorothy Day, With Love for the Poor* by Jim O'Grady, as the most concise telling of her story. *Dorothy Day and the Catholic Worker*, by Nancy L. Roberts, is also an excellent source. ∞

Dear Frontiersman,

After reading your latest issue I had to write for two reasons. The first is to promote an Idea. The second is to report on a petty tyranny that we might be able to do something about.

The idea may not be an attainable goal, but it could be a useful focal point. The idea is an amendment to the US Constitution and applicable to state constitutions and county and city charters. Here it is:

"CONGRESS SHALL MAKE NO LAW GRANTING SUBSIDY, SPECIAL PRIVILEGE OR COMMERCIAL ADVANTAGE."

If you look at all of the problems in our government and society today you will see a common flaw in our system. All the conflict stems from who is paying or getting their "fair" share. Can you see how this amendment would eliminate 90% of the mess? We might call this the "Equal responsibility amendment."

Now for the peeve. When I went to register my pickup at the DMV they reported that I had a \$52 parking lien from San Francisco that had to be paid before they would register my vehicle. Severe penalties would accrue if not paid. Well, since neither I nor my pickup had not been in San Francisco and had never seen the citation, I figured it would be a nuisance, but I should be able to get it cleared without paying the \$52. The SF Parking Dept. phone is permanently busy so I wrote, twice, sending the DMV forms and an explanation. No reply. I paid.

From there I went to the vehicle code and read the sections on parking violations. First of all, the "infraction" that used to be a misdemeanor is now a "civil penalty." This means you have none of the usual civil rights or protections. Secondly, there are several new paragraphs enabling parking meter barons to extort the "civil penalties" from their victims, but precious little the victim can do to fight

back. A new low in municipal meanness.

If anyone has a workable strategy to counter the parking meter rip-off, we had better get to work on it. There is a new high tech meter that cancels out remaining time when a car pulls out of the space and even more insidious developments are in the works. This is not as advanced as the city of Campbell's speeding tickets-by-mail, but just as dangerous in the long run.

—Bob Mulvany, Secretary
Gold Country Libertarians

I agree that your proposed constitutional amendment addresses an important problem. With regard to that problem, I believe that privilege, subsidy, etc. are just other ways of defining an aristocracy, or a class of nobility. The narrow perception of aristocracy as hereditary is, I believe, in error. Anybody who engages in a privileged activity (doctor, lawyer, driver, beautician, teacher, etc.) participates in an aristocracy that is defined and protected by the government. The protection is through licenses, issued by government, which define the privileged activity and provide for the punishment of intrusions into it by "commoners". These licenses are literal entitlements of privilege, or titles of nobility. Two clauses in the U.S. Constitution (Article 1, Section 9, Clause 8 and Article 1, Section 10, Clause 1) prohibit such titles. If my opinion is correct, and these licenses are titles of nobility, then your amendment is a clarification or a reinforcement of prohibitions that already exist. In either case, the amendment seems like a good idea.

One answer that I can suggest to the parking ticket problem is to avoid the jurisdiction. This can be done, under present law, only by declining to have a driver's license or a licensed vehicle. While this is enormously inconvenient, it is possible. Therefore, the licenses are technically voluntary. Acquiring one therefore legitimately obligates the license holder to obey the terms and conditions associated with the license.

Another approach is try to change the laws. Doing without the license and the car is more likely to be possible. —editor

Smitten With Embarrassment Department

by Sam Aurelius Milam III

On page 4 of the November issue, I cited a quote as Article 6, Section 2 of the J.S. Constitution. What I intended was Article 6, Section 2 of the U.S. Constitution. Same finger, wrong key. Darn.

Buck Hunter Shoots Off His Mouth

Dear Buck

Nothing we've tried so far has worked. What can we do to end sexual harassment in our office? —Frustrated Manager

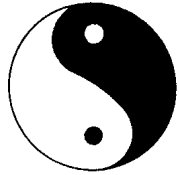
Dear Frustrated Manager

Don't hire women.



Nation in Distress

There is no such thing as Mother Nature. There is Father Nature and Mother Earth. Nature is the active principle. Earth is the receptive principle.



Nature energizes. Earth nurtures.



More Evidence of Erosion

Noted by Sam Aurelius Milam III

Look what happened to the meaning of the word *sanctuary* between its ancient origin and the year 1979.

Bouvier's Law Dictionary: 1889

SANCTUARY. A place of refuge, where the process of the law cannot be executed.

Sanctuaries may be divided into religious and civil. The former were very common in Europe, —religious houses afforded protection from arrest to all persons, whether accused of crime or pursued for debt. This kind was never known in the United States, and was abolished in England by statute 21 Jac. I. c. 28.

Civil sanctuary, or that protection which is afforded to a man by his own house, was always respected in this country. The house protects the owner from the service of all civil process in the first instance, but not if he is once lawfully arrested and takes refuge in his own house. See DOOR; HOUSE; ARREST.

No place affords protection from arrest in criminal cases: a man may, therefore, be arrested in his own house in such cases, and the doors may be broken for the purpose of making the arrest. See ARREST.

Black's Law Dictionary: 1979

Sanctuary. In old English law, a consecrated place which had certain privileges annexed to it, and to which offenders were accustomed to resort for refuge, because they could not be arrested there, nor the laws be executed. In general, any holy or consecrated place.

The recent meaning is the same thing as no sanctuary at all. The erosion of liberty began long ago. It's a long, slow process and it hasn't yet ended.

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Sesame Suite

We take you now to Hermit the Frog, with another fast breaking news story on Sesame Suite News!

Hermit: This is Hermit the Frog, with Sesame Suite News, and today I'm in Washington DC., where, a spokesman for the feminist organization SWEETIES has just announced —

Miss Priggy: Oooh, Heeerrrrmmmie...

Hermit: (sotto voce)

Not now, Priggy. I'm trying to do the news.

Miss Priggy: But Hermie, I just have to tell you about Mr. Whooper's new secretary.

Hermit: Priggy...

Miss Priggy: Hermie, she's a feminist!

Hermit: What — oh, what the hay? Come on, Priggy, get in front of the camera. Now, how can you tell she's a feminist.

Miss Priggy: By the correction fluid on the computer monitor.

Hermit: Ah. Well, that's all the time we have today. Be sure to tune in next time, for Sesame Suite News!

Are we off the air now? Good. Priggy, you've got to stop interrupting, and listen, not all fem-

Sesame Suite has been brought to you by the flavor sweet, by the color opaque, and by Strident Women Evangelists for Empowerment by Trickery, Intimidation, Extortion, and Seduction (SWEETIES).