



Frontiersman

Caveat Lector

June 1996

Party Games

by Sam Aurelius Milam III

I was raised in the compulsively conformist Bible Belt, in Texas and Louisiana. When I came to California in 1971 and discovered a small clique of libertarians, I was delighted. At last there were people who could understand me. We started a discussion group and thrashed the issues around thoroughly. Then one of our members joined the new Libertarian Party and decided to run for office. After that, our discussion group became a campaign committee. I walked door-to-door with leaflets. I manned (sorry ladies, I "personed") the Libertarian booth at the county fair. I registered voters. None of us expected Libertarian candidates to get elected. Our objectives were to educate people and to be a source of ideas for the political mainstream. We openly acknowledged that as our ideas gained popularity, they'd be appropriated by mainstream parties. We didn't object. In fact, that was our plan.

It happens, however, that a campaign committee is influenced by different incentives than those which influence a discussion group. Different incentives attract a different membership. They also evoke different responses from the old membership. What happened to the character of our discussion group was a microcosm of the more gradual change in the larger libertarian movement after the Libertarian Party was formed. Here's how it happened.

Libertarians became increasingly committed to registering candidates, maintaining ballot status, increasing paid membership, and protecting the party's growing vested interest in the elective process. Libertarian discussions gradually became apologies for compromise as Libertarians joined the struggle to win mainstream voters. Libertarians learned to woo voters by apologizing for libertarian principles, rather than by practicing those principles. By the end of 1987, people who called themselves Libertarians were advocating some very statist ideas like automatic vehicle identification systems on the freeways, and franchised public transit systems. Before my very eyes, the "party of principle" slowly became the "party of principal".

As the Party gradually acquired its vested interest in the political establishment, my resistance against the government grew. Eventually, I terminated my Social Security number, declined voter registration, stopped filing tax returns, rescinded my driver's license and refused to register my vehicles. My principles were making my life difficult and

even dangerous. At the same time, I noticed that people in the Party were doing little more than talk. Every time I saw a cop on the road and tried to be invisible and sneak away, I got more resentful of the Libertarian Party. Sometime during 1987, the road cops took my car. Their complaint was that it wasn't currently registered. After a little pondering, I realized that it had become necessary for me to give up owning a motor vehicle. If there had been a large and growing number of Party members who were refusing to register their vehicles the result might have been different, but it's easy for the cops to oppress a lone resistor. Since then, members of the Party have continued to complain about licensing and regulation, but most of them still have driver's licenses and registered vehicles. I haven't owned a car since then.

In July of 1995, during one of my stints as editor of the Santa Clara Libertarian, I encountered another indication of just how far astray the Libertarian Party had gone. That month, I published an article in which I exposed perjury and document falsification within the Santa Clara County District Attorney's office. The local staff of the Libertarian Party panicked. They insisted that misbehavior by a District Attorney isn't proper subject matter for a Libertarian newsletter, and fired me from the position of editor. The fact is that they were terrified of the DA, and afraid that he might notice that there is a Libertarian Party in Santa Clara County.

The Party's vested interest in the status quo has tamed it. A tame Libertarian Party, staffed by armchair activists, is fine window-dressing for emerging tyranny. Party members can complain all they want, just so long as they're docile. Tyranny doesn't require agreement. It requires obedience.

Today, the local Party insiders continue to go to their government approved meetings and "play politics" as if it was a game. They complain at length about excessive regulation, but they're very careful to avoid doing anything that might annoy the authorities. Meanwhile, around the world good people are being slaughtered in various fights for liberty. As America slides toward a chaos of its own, that change is clearly a response to growing tyranny. Beyond a certain point, party games no longer provide any hope of a remedy. Only the extreme politics of incipient revolution can provide any hope of diverting the government from its present course. Only a clearly demonstrated willingness to fight a revolution can prevent one. The party games are almost over now. Liberty isn't a game any more. Probably, it never was.

"It is the common fate of the indolent to see their rights become a prey to the active. The condition upon which God hath given liberty to man is eternal vigilance; which condition if he break, servitude is at once the consequence of his crime and the punishment of his guilt."
—John Philpot Curran, 1790

The Fifth Amendment: a Source of Public Danger

by Sam Aurelius Milam III

Like most of the Bill of Rights, the Fifth Amendment isn't particularly useful. For example, the grand jury provision contains huge loop-holes. One of them is that it applies only to capital or infamous crimes. A capital crime is a crime that is punishable by death. An infamous crime is a crime that is punishable by imprisonment in a state prison or penitentiary.¹ This leaves out a lot of offenses and allows for a lot of punishment without the participation of a grand jury. The amendment doesn't apply to offenses punishable only by fines, penalties, deprivation of property, deprivation of some right or privilege, or by confinement somewhere other than in a state prison or penitentiary.

Even for a capital or infamous crime, there are exceptions. The amendment doesn't apply to cases arising in the army or in the navy. However, there's another even more puzzling exception, and that is the militia. The definition of militia varies according to the source and its vintage. Clearly, however, the writers of the Fifth Amendment considered the militia to be distinct from the military forces, since it was mentioned in addition to them. This is completely consistent with the definition given several decades ago by the Encyclopædia Britannica. According to this definition, the militia is distinguished from the draft, from the military, and from the National Guard. It is, rather, based on the "obligation of every man to serve his nation". According to this definition, men (but not women) are excluded from grand jury protection if they are in the militia, and if the militia is in actual service in time of war or public danger. This makes it important to understand the meanings of *actual service* and *public danger*.

What is a time of "public danger"? It is a fact that the United States was continuously in a state of national emergency from 1933 to 1976. Thirteen declarations of national emergency occurred between 1976 and 1992.² That should certainly satisfy the requirement to be legally considered a time of public danger.

¹ Black's Law Dictionary, 1979

² CRS Report for Congress, National Emergency Powers, December 10, 1992

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger...."

—from the Fifth Amendment
U.S. Constitution

Does the so-called "war on drugs" constitute a time of "public danger"? If so, can the government create a time of public danger whenever it wants one, just by making some popular thing illegal? If there are terrorists at large in the world, is that a time of public danger? If it's dangerous to go out at night, if people feel insecure, is that a time of public danger? Look at the definitions. The words must be taken in their comprehensive and common sense. If people in the community generally feel insecure, then it's a time of "public danger".

What does it mean to be in actual service? The amendment doesn't say the militia must be in military service. It says actual service. Remember the Britannica definition of militia. "The true militia system as a legal tradition is based upon the obligation of every man to serve his nation." Does actual service include the civil service? How about people who work for public utilities, police departments, or fire departments? How about Amtrak employees, or postal workers? What about hospitals, and air traffic

ACTUAL.... real: existing in fact and now, as opp. to an imaginary or past state of things....

DANGER...a hazard or risk: insecurity....

PUBLIC...of or belonging to the people: pertaining to a community or a nation: general: common to all: generally known....

SERVICE.... a working for another: duty required in any office: military or naval duty: office of devotion:...labor, assistance, or kindness to another: benefit: profession of respect....

—American Dictionary
of the English Language
(1899)

CONTRACT....

Words are to be taken, if possible, in their comprehensive and common sense....

—Bouvier's Law Dictionary
(1889)

"....The militia system in the common understanding of the term must be distinguished from "draft"...and "compulsory military service".... The true militia system as a legal tradition is based upon the obligation of every man to serve his nation.... It has no relation basically to the National Guard in the United States or the Territorials in England, because these are volunteer units. It is distinguished from the military systems of most modern states in that they maintain substantial standing armies to which the citizen forces are only supplements, however numerous, and that the militia system, as in Switzerland, is presumed to comprise the whole of the armed force. It is definitely localized, with emphasis on personnel procurement by geographical unit rather than directly from the larger state to the individual. It is considered a defensive force...."

—Encyclopædia Britannica
Article *Militia* (1948)

"Germany, after the First World War, framed the Weimar Constitution, designed to secure her liberties in the Western tradition. However, the President of the Republic, without concurrence of the Reichstag, was empowered temporarily to suspend any or all individual rights if public safety and order were seriously disturbed or endangered. This proved a temptation to every government, whatever its shade of opinion, and in 13 years suspension of rights was invoked on more than 150 occasions. Finally, Hitler persuaded President Von Hindenburg to suspend all such rights, and they were never restored."

—Justice Jackson
in *Youngstown Sheet & Tube Co. et al. v. Sawyer*
(343 U.S.579)

controllers? If an industry is defined as a "service industry", are workers in that industry in "actual service"? Just what does it mean for the militia (every man not in the military) to be in actual service (serving his nation)?

What this all means is that the grand jury protections might be legitimately denied to any man who is engaged in any kind of service during any time of unrest. If governments were always benign, such an ambiguous provision might provide some protection. However, if governments were always benign, such protection would be unnecessary. I believe the grand jury provision is, more than anything else, a temptation for the government to frighten and confuse people, and then to exploit the fear and confusion. It provides no protection at all and potentially gives enormous power to the government.

A Pledge for Politicians

by Dante DeAmicis

It seems that more and more politicians are trying to get their opponents to sign their pet campaigning pledges. I think we should consider the source. And what about after they are elected? That's when the real problems begin. Oh well, I guess it is up to me, so here it is, my...

Responsible Representation Pledge

1. I will not advocate that any group do anything that would be illegal for an individual to do.
2. I will represent the district but will not claim to represent anyone who didn't vote for me.
3. I will not charge to future generations things that mostly benefit my present constituents.
4. I will not expect anyone to do anything for the "Common Good" that I wouldn't be willing to do myself.
5. I will vote to fix my salary to some multiple of the median wage earner.
6. I will not support measures that prevent people from securing their own food, shelter, clothing, or providing these things for others.
7. I will support the people's right to form new governments, that is, new cities, de-annexations, or smaller districts from larger ones.

Please Sign _____

I can hardly wait to send it to the people hustling my vote. ∞

Hootin' For Joy

by Sam Aurelius Milam III

The Equal Employment Opportunity Commission (EEOC) recently dropped its case against the Hooters restaurant chain. Hooters is the chain that's famous for the luscious babes who flaunt their, uh, attributes as waitresses at the Hooters restaurants. Hooters attracted the attention of the EEOC when it refused to hire men for the jobs. However, not to worry. There will not be a case from the EEOC this time, and the threatened \$22,000,000 fine has been dropped. The EEOC "recommends" that men be hired, but it will not take further action in the matter.¹

What's the significance of this decision? The EEOC accepts that a restaurant can refuse, based on gender, to hire men for jobs that they could do just as well as women can do them. This is a hypocrisy test for feminists. That is, it's now acceptable for a restaurant to refuse, based on gender, to hire women for jobs that they could do just as well as men can do them. After this, there should be no more feminine squeals of outrage about discrimination based on gender. Of course, it's equally likely that U.S. Senator Dianne Feinstein will concede that the Oklahoma City bombing was a legitimate act of retaliation in response to government terrorism, the Russians will acknowledge the sovereignty of Chechnya, the Christian Coalition will open a legal defense fund for pedophiles, and Carl Sagan will propose that the moon is made of green cheese. ♂

¹ KSBW Channel 8 Action News Live at Five; Salinas, California; Wednesday, May 1, 1996

The Twilight Koan

by Don Cormier

Imagine, if you will, a planet in a far-off galaxy, inhabited by beings of tremendous egotism, whose main urge is to dominate and control others of their kind, and who will co-operate only when forced to do so. Further imagine, if you will, that after a period of unlimited strife, the social order of the planet developed into a hierarchy, with the most powerful individual dominating all less powerful individuals, with the 2nd most powerful dominating his underlings, and so on. Of course, in such an imaginary society, the youngest members are the least powerful, and the easiest to dominate

So imagine, if you will, a class of children, who are not only controlled by force, but further controlled by a lie. The lie is this: that there exists an invisible, all knowing judge who sees people who disobey, and who will punish such disobedience at some unknown future time. Not immediately, mind you, but in some horrible way at some unknown future date, frequently by engineering some terrible accident or disease.

Further imagine that many generations of beings on this planet have been taught this lie, so that most of the beings do not even know that it is a lie, but spend their lives in cringing fear, not only of those about them who they can see, hear, and touch, but of this mysterious, unknown, twilight judge.

So we have, for your consideration, a planet of terror and domination, where the most terrifying threat of all does not really exist. Of course, none of this really exists — does it? ∞

Aw, come on! You're foolin', right? A place like that couldn't really exist, could it? —editor

Given infinity, all things are equally probable.

—Stephen Hawking, Cambridge University

A world is supported by four things: The learning of the wise, the justice of the great, the prayers of the righteous and the valor of the brave. But all these are as nothing without a ruler who knows the art of ruling.

—from *Dune*, by Frank Herbert

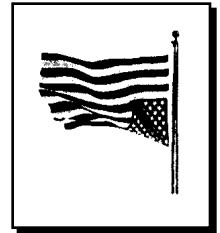
Buck Hunter Shoots Off His Mouth

What's the main cause of divorce? —Newlywed

Dear Newlywed
Marriage

- My thanks to Sir James the Bold, of Mere Keep, for the procurement of software for the newsletter computer system.
- My thanks to Sir John the Generous, of Mere Keep, for the procurement of hardware for the newsletter computer system.
- My thanks to Mars, of Silicon Valley, for procuring, repairing, and maintaining the newsletter copier. —editor

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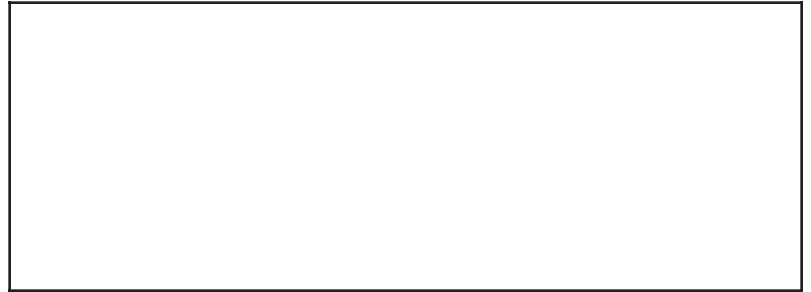


Nation in Distress

Support



*...the Freedom
to Choose.*



Me, Po' Edgar, and The Ravin'

taken from the essay *Ravin' Evermore*
August 12, 1991, by Sam Aurelius Milam III

Quoth the Raven, "Stop his ravin!"
Quoth po' Edgar, "Nevermore!"
"Don't you know," implored the Raven
"That the man is misbehavin'?"
"Don't you know," replied po' Edgar
"That's what writer's work is for?"

"No!" objected Mr. Raven!
"Writin' ain't for misbehavin'!
It's for love, and lore, and more!
That's the thing that's writin's for."

"You're a bird brain" said po' Edgar
"It's too bad," continued Edgar
"That I ever wrote, demented,
of a bird so argumented
of an aviary scented
pesky argumentive bore!"

"But you did," the bird insisted,
"And the pen can't be resisted!
I may be a little twisted,
But I'm here to stay and more!
Once the moving hand has written
And the pen has deeply bitten
And the mind with words are smitten
No one is the same no more!"



At that point I tired of waiting
For these two to start abating
All the chatter, all the baiting
So I showed them to the door,
Where po' Edgar looked about him,
Wondering why the bird would doubt 'im.

And the bird just flew away.
I guess that he was kinda sore.
Edgar couldn't help but mutter
and I guess I wondered what're
They both hoping to accomplish?
What the hell were they here for?

Now they're gone, but they inspired me,
Even though they finally tired me,
Just the same, they really wired me.
Think I'll write a little more.
Guess I'm not so bad. I might'r
might not be your favorite writer,
But I might be somewhat brighter
It would trigger my igniter,
Dedicate me to my chore,
If I got some little prize'r
Got extoled up to the skys'r
(Hoping that you're not a miser),
Got some cash like from a geyser.
I'd be grateful evermore.

Sesame Suite

Bernie: Hey Burt!
Burt: Leave me alone!
Bernie: What do you call a paralyzed man floating in the ocean?
Burt: Nothing! You just help him out of the ocean!
Bernie: Bob!
Burt: Ahhh, Bernie!

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—Sam Aurelius Milam III, editor