

Frontiersman

Caveat Lector

August 1996



Life, Liberty, and Property

Sam Aurelius Milam III

“...nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”
—from the Fifth Amendment,
U.S. Constitution

The Fifth Amendment has been advertised as a protection against the taking of life, liberty, or property. Actually, it's a statement of the method by which they can be taken.

That is, the Congress can pass any

law it considers necessary and proper (Article 1, Section 8, Clause 18, U.S. Constitution) —due process of law — to take life, liberty, or property.

Consider, using property as an example, the way the laws have been used to define eminent domain. Notice that the federal power of eminent domain exists because of the Fifth Amendment. If the so-called Bill of Rights

had never been adopted, private property might have been a lot safer from the government.

This power to take private property was granted by the Fifth Amendment. It was granted again by the Fourteenth Amendment. However, the Fourteenth Amendment doesn't require just compensation, only due process of law. Remember that laws are en-

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....** —Black's <emphasis added>

“.... nor shall any State deprive any person of life, liberty, or property, without due process of law....”
—from the 14th Amendment
U.S. Constitution

The Individual and the Group

Don Cormier

People are born into a world of specific conditions and limitations. The individual's life is fragile. There are endless ways in which it might end — and indeed, it will end at some point.

From the point of view of the individual, life is about sustaining life and experiencing pleasure. The two goals are not always compatible. In fact, for the majority of beings, sustaining life means delaying pleasure or undergoing pain. Most people, most of the time, are willing to accept long-term suffering as the price of survival.

Although individuals can survive as solitary hermits, most individuals survive more easily as members of groups. Being in a group has some advantages, but it always has the disadvantage of requiring the individual to conform his behavior to the operating procedures of the group.

Individuals enjoy as many rights as they are allowed by the conscious and unconscious actions of their neighbors in society. This statement is consistent with the definition of “right” developed by Sam Aurelius Milam III: A right is something you can do, or not do, as you choose, without

acted by the government, enforced by the government, and judged by the government. My experience has persuaded me that the government will always arrive at the most adverse possible interpretation of any law, ensuring that laws will always tend to operate in favor of the government. Thus the states need not provide just compensation for property. They need only provide by law how property is to be taken. The present civil asset forfeiture laws provide ample proof that this is true.

Another seldom acknowledged failure of this provision of the Fifth Amendment is that the federal government must provide just compensation for the taking of private property only if the property is taken for public use. There is no restriction on the taking of private property for a non-public use. This condition of public use is open to interpretation and will tend to be interpreted in favor of the government. For example, if the public is barred from a government facility, is that facility intended for public use? Don't bet on it, and there are many government facilities from which the public is barred. Thus property might be taken (for example) for a secret military installation without just compensation. Property is being routinely taken by the drug enforcement gestapo without any compensation. Presumably, they keep it all for themselves, and never allow the public to have any of it.

This provision of the amendment suffers from several flaws. As the source of the power of eminent domain, it actually does more harm than good. Limitations in scope defeat much that the provision might have accomplished. Certain good that it might have provided was defeated by the Fourteenth Amendment. In general, I consider this provision of the Fifth Amendment to be a tool of repression disguised as a protection of rights.

asking, and your exercise of it will generally be acknowledged as proper or at least condoned.

An individual in a given group may attempt to enhance his life by persuading other members of the group to behave in different ways. There are examples of individuals who have changed customs, and by so doing have acquired more rights. Such individuals are relatively rare.

In some situations, an individual must reject the group. This condition results when the actions of the group become a threat to the survival of the individual or when living as a member of a group entails more pain and suffering than living separately. Becoming an outlaw may be the only way in which an individual can achieve his goals of survival and pleasure, and this can even be a morally upright course if the surrounding society is sufficiently corrupt.

If the individual decides to “divorce” from his society, or if an individual decides to change the behavior of the group, it behooves the individual to know exactly what change is desired. Non-conformist action undertaken without rational deliberation is likely to result in less, not more, freedom. ∞

The Fable of Andrew the Pious

as retold by Sam Aurelius Milam III

Once upon a time, long, long ago, there were heavy rains in the mountains of northern Claymere, and the Running River flooded. The storm was clearly visible from the few villages in the valley. There was thunder, lightning, and great sheets of distant grey rain, so the flood didn't catch anyone by surprise. Indeed, such floods had occasionally happened in the history of Claymere, and the folk of the region had a long tradition of taking a holiday when the floodwaters rose.

When the storm began, most people in the river villages drove their herds to higher pastures, moved vulnerable possessions to higher ground, packed picnic lunches, and prepared for a festive occasion. Their houses were simple and easily repaired or even replaced if necessary. Their brand of stoicism was, whenever possible, laced with gay festivity.

This festive nature of the folk of Claymere was a thorn in the side of the Holy Church, which frowned upon the frivolous. The Holy Church, at the time of this particular flood, had recently built a chapel in the village of Bend, on the verge of the Running River. This chapel was under the supervision of a priest named Andrew Lackley, also known as Andrew the Pious. Andrew scorned the gay abandon with which the folk of Claymere approached life, and he was determined not only to convert them to the gloomy precepts of the Holy Church, but also to darken their outlook in general. Thus, as the population fled the flood in a mood of merriment, joking about the manure that they would not have to shovel, he exhorted them to remain. He loudly extolled the virtues of prayer as the proper way to meet an emergency, and knelt outside the chapel by way of example. The people laughed and advised him to pray hard. A few of the less devout enquired as to his ability to tread water and pray at the same time. Andrew the Pious wasn't amused.

As the flood waters rose, Andrew climbed first up the stairs into the chapel and then up the ladder into the choir loft. There he prayed. The flood waters rose further and Andrew would have been trapped in the loft had not a huge log rammed into the wall and opened a gaping hole. Andrew climbed out thereby and onto the roof, where he prayed.

"Oh Lord, merciful and loving, please save me from this flood!"

As Andrew prayed, a man in a boat came drifting upon the flood. This man had a long white beard, thick white hair, and beside him in the boat lay a long and sturdy staff. Seeing Andrew, the man grabbed the staff, strove mightily, and was able to guide his boat to the edge of the roof.

"Come on!" he cried. "I can't hold 'er here ferever!"

"Thank you for your kind offer, my Brother!" yelled Andrew, "But you may go your way with my blessing. The Lord will save me!"

"Whatever..." mumbled the man.

He shoved his boat away from the chapel and drifted away on the flood. He was quickly out of sight. Andrew the Pious prayed.

"Oh Dear and Merciful God, loving and forgiving, hear me I pray in my time of great need! Please save me from this terrible flood!"

Andrew felt a jolt and looked around. There was a raft lodged against the chapel. On the raft were two small children, clutching to themselves a few meager possessions.

"Get on! Get on!" they shrieked. "We're slippin back into tha stream!"

"Go in peace, my children," blessed Andrew. "I have no need of a space upon your raft. There may yet be others in greater need than I. Go! The Lord will save me!"

Just then, the raft slipped past the corner of the chapel, and floated away. Then the chapel began to groan and sway ominously. Andrew prayed.

"Oh, Dear and Mighty Lord on High, most powerful and merciful, who sees even the fall of a tiny sparrow, now in the extremity of my need I do beseech"

At that point the chapel collapsed.

In their sunlit pasture in the lower foothills, the folk of Bend sang and danced, ate seedcakes and sweetmeats, drank mead, told stories, and watched the floodwaters in the valley below. The storm had been violent, but brief. Early the next morning they were able to return to their homes where they began the clean-up and rebuilding. Of Andrew the Pious, they found no sign at all. To their surprise, but not (I must admit) to their disappointment, even the chapel was gone. A fluke of the flood had undercut the bank of the Running River near the structure, and it had collapsed entirely. Even the wood had floated away. They never knew the end of Andrew the Pious. If they failed to mourn his passing, it was only because they were by nature not a mournful folk.

At the Pearly Gates, Andrew the Pious was overcome with Righteous Rage.

"Why," he demanded "didn't you save me? I was pure. I never sinned! And I lived in that wretched little village and tried to save the Souls of those ignorant yokels! When the flood came, I made an example and prayed fervently!"

"We tried." replied the Voice. "You would not be saved."

"But I wanted to be saved!" objected Andrew. "It's all I was praying for!"

"Well, what did you expect?" answered the Voice. "After all, We sent you a log, a boat, and a raft." ∞

Dear Sam

Letters to the Editor

"Communications decency Act," which Clinton recently rammed through the house. In ACLU

....In the meantime, sorry for having taken so long to get back to you, but thank-you for sending the copies of the *Frontiersman*. We are well aware of some of the atrocities which are being committed in "Free" countries, the likes of Waco, and worse still, committed in the name of freedom. On one occasion while driving up from Baltimore I was listening to one of these big name talk shows out of Philadelphia. Though I did not catch the name of the program I do remember what he said; "*I have been following the political scene for years and it is with great regret that I must now admit, that; Congress has become the enemy of the people.*" And I am not saying the things that I do as a Canadian, to take a swipe against my friends to the south. We, my local friends and I, are dead set against stupid borders. In some ways Canada might be a bit better off in areas of personal freedom, but Canada tends to parallel and follow with an appropriate lag time, anything which happens in the US of A. "*Nationalism,*" I once heard it said, "*has caused more human suffering throughout history than any other single cause; ... save that of religion!*" Unfortunately, in the US of A, (the greatest democracy on the planet), (coming soon to Canada), we are increasingly and with frightening speed seeing the emergence of serious political forces which encompass both. "*A religious dictatorship,*" a friend of mine predicts, "*within 2 years.*" While I certainly hope not, I am less than optimistic. I am happy to be in touch with you and others who feel strongly about freedom, and I appreciate your effort, but it deeply concerns me that publications like yours are even necessary.

"*In the United States, people are going to jail ... for looking at things. Isn't anyone concerned????*" I read on the InterNet once. If you are not aware of it, there is a battle going on in cyberspace, which is over freedom of speech vs government attempts to control it. I think, and I hope, that governments everywhere have met their match. The InterNet has been called, "The world's biggest anarchy." What is being seen for the first time in human history, is absolutely unmoderated exchanges of ideas between millions of ordinary people all around the world. For the first time ever, people who have felt themselves to be social outcasts, sicos if you will, are freely and proudly exchanging thoughts and ideas (and pictures) with others of similar bent. The InterNet, regardless of what the conservative masters expect from their slaves, is destined I think, to become THE most significant event this century. And I honestly think that governments at all levels are terrified of it. Imagine, ordinary people, talking to each other!! You might keep an eye on the ACLU challenge to the censorship provisions of the

Freeman-types roaming streets of San Jose?

Leigh Weimers

Just because no Freeman-type nuts have barricaded themselves in a San Jose tract house doesn't mean we should feel smug. Groups and individuals sharing that "my-government-my-way" philosophy have been bugging county officials in California for more than a decade, says Santa Clara County Recorder **Brenda Davis**, and lately the crazies have been getting more militant.

"Many of them want to revoke any documents — driver licenses, marriage licenses, powers of attorney, etc. — that tie them to the government of California," explains Davis. The problem is that they then want to record such revocations, and there's no law that permits Davis and her fellow recorders to do that.

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vs Reno (the bitch), the government is trying to force InterNet users to "tag" so-called indecent or patently offensive words or images. Government lawyers, however, have already conceded that, "it would be impossible to implement this scheme given the technology currently available". This alone, according to an article in *Monitor*, (June 96), could justify granting the ACLU a preliminary injunction against the censorship provisions. What the US government arrogantly fails to recognize is that the InterNet transcends international boundaries, and that the US of A is but a small part of the whole network, which they invented themselves for military communications, and which they have now completely lost control of. But even if they lose, this case gives a crystal clear insight into the motives of the feds, and their obsession with controlling every aspect of our lives. And we are also seeing examples of the US intimidating foreign citizens and governments in this attempt to control.

Information, as the feds have known for decades, is a tremendous source of power and control. Now that this information is leaking out into the general public, it is reasonable to assume that mountains will be moved to try and contain the leaks. You talk about the use of force to replace corrupt governments. I can assure you, absolutely, that the most devastating use of force imaginable, the ultimate act of terrorism, would be for someone somewhere to acquire a large database containing identification; names, addresses, phone numbers, badge numbers etc of federal agents; and post it to the InterNet. This information does exist, is accessible to someone, and there are many embittered people out there who would be both willing and capable of carrying out such an act.

Not me though, I'm just a nice guy, who will bore you no further. I just wanted to say hi, thank you for your newsletters, and toss around a few ideas.

—Richard; Vankleek Hill, Ontario

Dear Sam

I was very flattered to find myself mentioned twice in the *July Frontiersman*. But Sam, I was very alarmed to learn of the warrant for your arrest. It is hard to imagine that you have broken any law....

And if that light theory (*Darkness Upon the Face of the Deep; A New Theory of Illumination*, July, page 4) is correct, isn't it time for the sun to show some blackness? Seems like it's been emitting light for some time now....

—Shirley; Urbana Illinois

Sun spots.

—editor

"They (the Freeman clones) pick and choose the laws they want to obey, and I don't have that option," Davis sighs. She tells them that, and they get mad. "I don't care about the politics, but I do care about following legal recording procedures," Davis adds.

And she cares about our awareness of who's in our midst and the problems awaiting those who buy into their off-the-wall schemes. "People need to realize," she says, "that they're not all in Montana." ∞

Although this article is a negative presentation of a part of the freedom movement, it's also a tacit admission that the movement is big enough to be noticed. The participants are starting to have an effect. That's good news. It's why I reprinted the article.

—editor

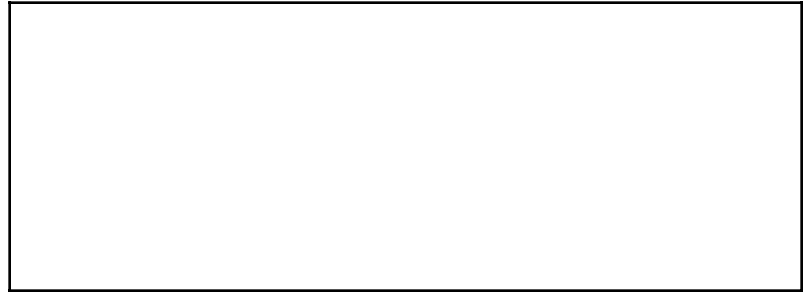
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Nation in Distress

Weapon Exchange Offer Frontiersman Style

In the interest of removing guns from the hands of dangerous criminals, the Frontiersman hereby invites all policemen to turn in their weapons, with no questions asked. As a reward, any policeman who delivers his weapon to the newsletter address (just drop it over the fence, no personal visits accepted) will be eligible for a free subscription to the Frontiersman. To apply for the subscription, please provide name, address, badge number, telephone number, social security number, credit card numbers, bank account numbers, and a sample signature.



On the Road with Buffalo Hunter

While Buff was doing some traveling recently in a small South American country, he overheard a conversation between a local farmer and a female American tourist. Although Buff didn't get permission to use their names, he did record the conversation and sent us a copy.

During the conversation, the farmer mentioned that bullfighting was the number one national pastime of the people in his country.

"But that's revolting!" exclaimed the lady tourist, outraged at such cruelty.

"Ah no," said the farmer, "revolting, eet ees our number two pastime. But bull fighting, he ees our number one pastime."

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—editor

Frontiersman

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Sesame Suite

Bernie: Hey Burt!

Burt: Yah, what do you want?

Bernie: Why do nuns dress the way they do?

Burt: I don't want to know!

Bernie: Force of habit.

Burt: Ahhhgh!

Buck Hunter Shoots Off His Mouth

Dear Buck

What's the best way to avoid marital problems?

—worried

Dear Worried

Don't get married. I think I've answered this question before.

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—Sam Aurelius Milam III, editor