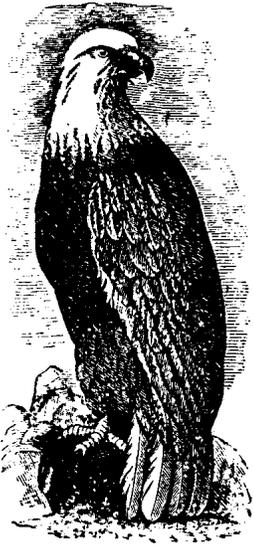


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Frontiersman

May 1995

A cop's job isn't supposed to be easy. If it is, you're living in a police state.

Meatheads Against Defenseless Drivers

by Stephen R. Strayer

I recently became more aware of yet another area in which police routinely disregard with impunity the US and state constitutional safeguards of individual rights, apparently for their own entertainment. I am referring to enforcement of laws against driving under the influence of alcohol as defined and promoted by lobbyists employed by organizations such as Mothers Against Drunk Drivers (MADD).

I think it is important for rational people to keep in mind that members of organizations like MADD have a psychological need for something to be MADD about. Without that there is no excuse for their existence. Hence the recent reduction of the threshold blood alcohol level defining legal drunkenness to 0.08%. For most people this is equivalent to the consumption of 1 or 2 beers within a couple hours before the measurement. The previous threshold probably wasn't yielding enough fodder to satisfy the organizational and police lusts for MADDness.

Some time ago one of my roommates was arrested for DUI. He was handcuffed, verbally baited and abused by the cop, then thrown in jail. His vehicle was seized, towed to a storage facility, and destructively searched, even though there was no probable cause for the search and no search warrant was obtained. It cost him \$115 ransom the next day to reclaim his vehicle. A blood sample was involuntarily extracted by an official for testing. Who knows if that procedure was performed sanitarily? For several weeks he was refused access to the blood test results and the police report on his case. A woman at the DA's office told him that standard procedure is to withhold all evidence so they can surprise him at the hearing before the DA. How can we be sure that any test results eventually produced apply to his blood or somebody else's, or nobody's?

If he is formally convicted, he estimates his fines, insurance costs, etc. will total several months after tax income, \$8000-\$10,000. Effectively, however, he has already been convicted. The legal proceedings are merely a ritual to instill in him proper deference to the state gods and to justify the jobs of the various officials involved. Might this qualify as cruel and unusual punishment?

Let's take a closer look at my friend's alleged crime. There was no victim. He committed no violence. He neither injured, threatened, nor inconvenienced anybody. He damaged no property. In fact, he produced no adverse effect whatever on any other person or property. The only observable indication that a crime may have been committed at all was that a cop lurking in the shadows had seen my friend leave an establishment legally serving alcoholic beverages. The only real effect produced by this alleged crime

was to raise an esoteric laboratory test parameter (blood alcohol level) a few fractions of a percentage point above an arbitrary threshold. This is not an isolated incident; similar outrages are repeated hundreds or maybe even thousands of times per week in the bay area alone.

People picked up for DUI, whether they have been drinking or not, are presumed guilty and rarely have an effective defense available regardless of the true facts. Cops involved have strong incentives to make sure their charges stick, and techniques for blocking a person's ability to prove innocence have been well perfected. If that requires a little fudging here and there by police and district attorneys, that's fine with them. The sum total evidence in a typical DUI case is the arresting cop's report and blood alcohol test results. An arrested person can be held for several hours without being allowed so much as a phone call. In that time any blood alcohol will metabolize, eliminating any possibility of disproving the police test results with an independent test. Any discrepancy between an arresting officer's report and the word of a "lowly drunk!" will almost certainly be resolved in the cops favor.

From a cop's standpoint and from that of police departments, working DUIs is easy and safe compared to working on real crimes or going after real criminals. In one evening

Cops involved have strong incentives to make sure their charges stick, and techniques for blocking a person's ability to prove innocence have been well perfected.

of DUI detail a cop can make several busts thus gaining the immediate satisfaction of having accomplished something; and pulling over vehicles and hassling drivers presents little physical threat to cops or political danger to the police department. People accused of

drunk driving are unlikely to raise much of a fuss or to attract much public or media sympathy. On the other hand, building a case against a murderer or armed robber can involve many months of tedious effort, and a cop's physical safety may be threatened. Someone arrested on serious criminal charges will likely mount a vigorous defense possibly negating all the painstaking police work.

Remember now, when MADD or police apologists talk about drunk drivers, they are not referring only to out-of-their-mind drunks driving recklessly or presenting life-threatening hazards to everybody else on the street, as they like to imply. They are including people whose driving skills and reflexes are not noticeably impaired at all: responsible people who had one beer on their way home from a rough day at work, or you leaving my house after a discussion over a glass of wine, or me leaving yours, or people who had consumed no alcohol at all but whose behavior doesn't meet with some bully cop's approval. MADD people easily justify fudging statistics, such as percentage of accidents involving alcohol, or even individual test results, to support their preconceived notions and their agendas for imposing increasing control over the peaceful behavior of others who may oppose their MADDening infringements on individual liberty. ∞

Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficial. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greater dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.
—Justice Louis Brandeis
Olmstead v. United States, 277 U.S. 479 (1928)

The Contract You Can't Refuse (?)

by Don Cormier

The recent earthquake in Kobe brought home to many residents of California exactly how vulnerable we are to similar disasters. It's not just that a serious earthquake could destroy our lives, our health, and our material possessions. The problem is that if we survive, we could become even more dependant on government assistance than we already are. A permanently disabling injury could put any one of us on welfare. Destruction of our homes or businesses could induce us to accept government subsidies for rebuilding.

In fact, most residents of California are not in a situation where they can reasonably refuse the "social contract" offered by government. They need to pay taxes because they need the services government provides to maintain an average degree of comfort and security.

Let's look at some of the basics:

- Physical Security — It's quite true that governments can endanger the physical security of people they dislike. However, it cannot be denied that governments also provide a degree of protection for persons and property. In California, many residents are physically unable to protect themselves or their property — unable to fend off muggers and rapists, much less S.W.A.T. teams or invading armies. That this situation has largely been created by the government, and that there are ways to remedy it, is not relevant to my point.
- Water — Few residents of California depend on streams, private wells, collected rainwater, or private distilling systems for their water. The majority get their water through government licensed and subsidized utility companies. Once again, this situation has largely been caused by the government, and it could be remedied. However, at the present time, the majority of California's residents would become very thirsty indeed if the government's water system failed to function.
- Food — Few residents of California grow their own food. Most get it through markets, which are almost always government licensed and regulated businesses. The markets get the food by way of a regulated and tax subsidized system of transportation. The growers of the food are regulated and subsidized. It would be possible to move away from this system if people on a mass scale would begin to boycott it. However, my point is that, AT THE

What About America?

by Shirley R. Lewis

America is still living in a pretend world. Our currency has no value, our country has no money — it spends much more than it takes in. I suspect in the end everything will be confiscated to try to cover it. That will be the excuse anyway. And how did we get in this boat? By people expecting they were "entitled" to all kinds of handouts. Something for nothing.

Some day other countries, other banks are going to refuse to accept our currency, our bonds, etc. at face value — or at any value. When that comes first prices will rise dra-

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MOMENT, most Californians are dependent on the smooth functioning of the food delivery system, and therefore, need the government.

I think I've said enough to indicate that the majority of California's residents depend heavily on the helping hand of "Big Brother" government. The question is: How, practically speaking, can this "social contract" be rejected? (By the way, I put "social contract" in quotes because a unilaterally imposed contract is not a valid contract.)

Obviously, almost no one living in urban California can completely escape the influence of this contract's provisions. People living in rural areas may have more room to maneuver. However, there is one group of California residents who escape from some of the governments dictates, whether they live in urban or rural areas — undocumented immigrants.

The undocumented immigrants depend somewhat on the government-maintained infrastructure. However, by being invisible to the government, they avoid having to obey certain laws, and they become dependent on themselves or their close allies for protection and justice. Perhaps one important aspect of the undocumented person's situation is that there is no voluntary or semi-voluntary acceptance of the government's contract. Their moral situation is perhaps purer than that of the average citizen, who has acquiesced to the contract by registering to vote, or by getting a driver's licence, or by taking a job which requires participation in the Social Security system.

If the ideal of living in freedom means that one can reasonably defend one's person and property oneself, and can obtain food, water, and other necessities without recourse to government systems, then the first step in rejecting the "contract" is to work on developing these skills.

Short of being crushed by a collapsing building, the ideally free individual would be better able to recover from an earthquake, because such an individual would rely on an infrastructure that was much more under his own control. Admittedly, such independence would be difficult to achieve, but it might well be worth the effort. ∞

Socialism, like the ancient ideas from which it springs, confuses the distinction between government and society. As a result of this, every time we object to a thing being done by government, the socialists conclude that we object to its being done at all.

—from *The Law*, by Frederic Bastiat (1801-1850)

matically — then business will come to a halt. Maybe swapping will work — but not very well. EVERYONE will be in the same boat. Banks will fail — no use saving for the future. It will be a world of slaves. Remember the story of Joseph in Egypt? In the good years the Egyptians were taxed of their surplus, and in the bad years Pharaoh sold it back to them until they couldn't pay any more. Then they accepted slavery. The interesting part — not told in the Bible — Pharaoh didn't get any richer. True, he had total CONTROL — or did he? His dynasty did not last. ∞

Social Contract: The Series Part 3: Finis Empery

by Sam Aurelius Milam III

If the proper boundaries of constitutional government are not geographical, but contractual, then certain consequences must follow. One of these is already obvious. A government can have lawful authority only over individuals who are parties to the contract. This consequence requires a change in our understanding of participation in government. This participation must be understood in terms of the laws of contracts.

“ The use of the word *agreement* (*aggregatio mentium*) seems to have the authority of the best writers in ancient and modern times . . . as a part of the definition of contract. It is probably a translation of the civil-law *conventio* (*con* and *venio*), a coming together, to which (being derived from *ad* and *grex*) it seems nearly equivalent There is an idea of mutuality in *con* and *traho*, to draw together, but we think that mutuality is implied in agreement as well. An *aggregatio mentium* seems impossible without mutuality. Blackstone in his analysis appears to have regarded agreement as implying mutuality; for he defines it (2 Bla. Com. 442) ‘a mutual bargain or convention.’ In the above definition, however, all ambiguity is avoided by the use of the words ‘between two or more parties’ following agreement To constitute a sufficient parol agreement to be binding in law, there must be that reciprocal and mutual assent which is necessary to all contracts There is no contract unless the *parties* assent thereto; and where such assent is impossible from the want, immaturity, or incapacity of mind of one of the parties, there can be no perfect contract.”
—from Bouvier’s article *contract*

This means that no group of men, however large, can rightfully compel another group of men, however small, into a contract. Similarly, no group of men, however large, can rightfully compel another group of men, however small, into a government. When this is done, those compelled are not citizens. They are slaves.

There are very few ways in which an individual can become a party to a contract of government, and thereby come voluntarily under the lawful jurisdiction of such a government. He can voluntarily become a voter. He can voluntarily run for office and be elected. He can voluntarily be hired into the service of the government. He might also, for

some reason or other, execute some other contract with the government which might include in its provisions an obligation to some jurisdiction of the government. Marriage licenses, driver’s licenses, and business licenses are present examples of such contracts. An individual can volunteer into the jurisdiction of the United States of America¹ by declaring himself to be a citizen. Any such voluntary actions make an individual a party to a contract and allow legitimate obligations to accrue.

Conversely, if an individual isn’t a party to a contract, then the government has no jurisdiction over him. Any enforcement of the authority of a government on any such individual is an act of aggression by that government. The instant that such aggression occurs, the government departs from the Doctrine of Social Contract, and becomes a despotism.

Since the legitimate boundaries of lawful government under the Doctrine of Social Contract are not geographical, but contractual, any such government may extend anywhere in the world where there is an individual under its jurisdiction or where it owns property. However, that government exists there only with regard to that individual or to that property. Many such governments might exist within the same geographical region, enjoying many possible kinds of coexistence.

The practical consequences of this view of government are many. Any number of people greater than one might form such a government simply by asserting their sovereignty. National boundaries as they are presently understood are not supported by the Doctrine of Social Contract. Commonly accepted laws with regard to franchises, smuggling, and naturalization are incompatible with the Doctrine of Social Contract. If governments really operated according to the Doctrine of Social Contract, wars would be very difficult to administer, and weapons of mass destruction would make even less sense than they do now, if such a thing is possible. Each particular government would be useful, or it would cease to exist.

Next Month: Imagine

¹ See the Fourteenth Amendment of the U.S. Constitution.

Definition: cult - any group of devout religious believers that becomes the target of government disapproval, persecution, or atrocities.

Victim Factory

by Sam Aurelius Milam III

Today there are at least 700 women’s advocacy groups making hay from allegations of violence against women. Many of them claim that as many as 4,000,000 women per year are “battered” by their husbands or boyfriends.² However, the definition of such battering often includes minor things like “a push or a shove”, greatly inflating the statistics.³ Some advocates even go so far as to include “emotional or psychological battering” in their data.⁴

Feminists continue to advocate sexual equality. If that’s

² ABC World News Sunday with Carol Simpson, KNTV, San Jose, CA, April 9, 1995, *The Nation*, Lisa Stark reporting

³ *ibid*, Doug Besharov, American Enterprise Institute

⁴ *ibid*, Rita Smith, Coalition Against Domestic Violence

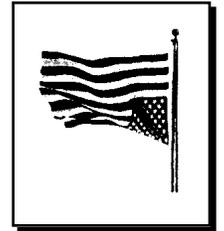
what they really want, then they must behave according to the same criteria that they force upon men. In that case, the same fantastic understanding of battering that is being used by women’s advocacy groups can be used by men as well. Men can then point to the bitching, nagging, whining, and complaining to which they are customarily subjected by their female companions and claim, as credibly as do the women, to be the victims of “emotional or psychological battering”. The alternative, of course, is that different rules apply to women who therefore aren’t equal to men.

In fact, sexual equality is a stupid idea. Men and women aren’t equal. Requiring by law that they are makes exactly as much sense as requiring by law that $\pi = 3.00$.

Who knows? Maybe feminists believe that, too. ♂

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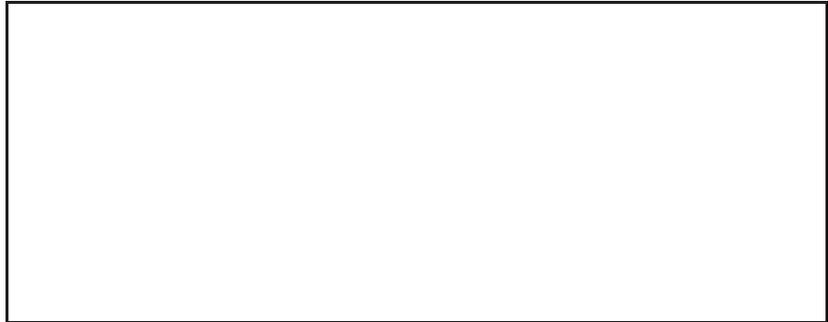


Nation in Distress

WHERE WERE ALL THE WEEPING MOURNERS



WHEN THE BRANCH DAVIDIAN CHILDREN DIED?



The Terror

by Sam Aurelius Milam III

As I watched the response to the bombing in Oklahoma City, I was appalled by its contrast with the mellow disregard for the atrocities at Waco and Ruby Ridge. People who twiddled while the U.S. government murdered women and children in Texas and Idaho recoiled in horror when women and children were killed in a federal office building in Oklahoma. Apparently people think that women and children in federal buildings are more precious than those in religious compounds or mountain cabins. It's difficult to judge whether this attitude is mere brainwashing or actual stupidity.

In fact, this atrocity was unusual mostly because it wasn't committed by the U.S. government. In Panama, for example, the U.S. government killed hundreds of women and children during its violent pursuit of Noriega. Around the world, the U.S. government has murdered women and children who happened to be in its way. When officials call the Oklahoma City bombing an act of terrorism, the definition of *terrorism* being used is clear: terrorism is any atrocity com-

mitted by some group or person other than the United States government.

Everybody was hurt by this bombing, with one exception: the U.S. government will benefit from it. Before the dust had even settled, people were obediently bleating for stronger preventive measures. The main result will be a vast increase in the power of the U.S. government. Officials will now be able to justify more intrusive systems of surveillance and control than anybody ever expected.

Today, the U.S. government enslaves the people it was intended to protect. It murders those who refuse to submit. The consequences of its escalating terrorist behavior can no longer be avoided. One of these consequences is that events like Waco and Ruby Ridge call for a response in kind. People are learning to resist and, increasingly, that response will be forthcoming. The likely course of events is obvious. Clearly, women and children should avoid the vicinity of federal buildings in the future.

The terror in America has only just begun. 

Dear Editor

Just thought I'd write and tell you that I enjoy *Frontiersman*. You are willing to take on a lot of issues and be provocative, something which is sadly lacking in the mainstream media. I find it a very good sign that people like you are willing to stand up and be counted.

Where are we today? Somewhere along the line the US government has stepped over a line. With its assorted assaults on the people's liberties and rights, the US government has abdicated its legitimacy. John Lock says, "Whenever the legislators endeavor to take away, and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any further obedience..."

One thing you might want to look at is situations where people have toppled the modern state monolith. The Somali resistance to the United Nations, the Colombian resistance to the US war on drugs, the fall of the Berlin Wall, all these show the power of popular resistance, combined with ideas about liberty, can overcome any modern state machine.

I have enclosed a copy of *California Liberty*. This is a statewide newspaper published by the California Libertarian Party. It is sold in news racks and bookstores across the state.

—Joseph Miranda, Managing Editor
California Liberty

Dear Frontiersman

My dad, [name withheld for privacy] showed me your March issue of *Frontiersman*. I was impressed at your bold approach to enlightening your readers to some important realities that most are either ignorant of or naive to. I hope you will get a lot of support in accomplishing your goal.

Please send me future issues.

—Monica; Union City, California

Buck Hunter Shoots Off His Mouth

Dear Buck

What's the most reliable way for me to make a difference?

—Worried

Dear Worried

Subtraction.