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Frontiersman

October 1995

Return to Sender

by Sam Aurelius Milam III

People usually assume that the post office operates under authority provided by the U.S. Constitution. In fact, the only wording in the entire U.S. Constitution that deals with the post office is in Article 1.

"[The Congress shall have power] to establish post offices and post roads;" —Article 1, Section 8, Clause 7
U.S. Constitution

This clause grants a power, but not an exclusive one. Nevertheless, the post office exercises an exclusive power. If the exclusive power is authorized at all, that authorization doesn't exist in the U.S. Constitution.

"The United States in Congress assembled shall also have the **sole and exclusive right and power** of establishing and regulating post offices from one state to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office...."

—from Article 9, Paragraph 4, the Articles of Confederation
<emphasis added>

The post office was created by the Articles of Confederation prior to the formation of the present U.S. government. It predates the U.S. Constitution and continued to operate during its enactment. There can be no doubt that the post office monopoly on first class mail comes from the Articles of Confederation. The power to require postage on the mail is another surprise contribution of the Articles of Confederation. Various other powers, such as the power to use coins made of materials other than gold or silver, are provided by the Articles of Confederation but not by the U.S. Constitution. If such powers were specifically granted in the Articles of Confederation, it's unreasonable to suppose that they would be merely assumed in the U.S. Constitution. If a power isn't specifically granted in a law or contract then that power cannot be "imagined" into existence. Furthermore, when dealing with the U.S. Constitution, a power not specifically granted is prohibited by the Tenth Amendment.

This unexpected vitality of the Articles of Confederation poses a larger question. What of the U.S. government itself? It's a fact that the states which were the parties to the Articles of Confederation affirmed twice in the Preamble and four times in Article 13 that the union created by those Articles was

perpetual. They also agreed twice in Article 13 to inviolably observe every Article and to abide by the determina-

tions of the Continental Congress. They agreed that no change in the alliance could occur until the Continental Congress agreed to it and the legislatures of every state confirmed it.¹ The Continental Congress acted (illegally) under the authority of the U.S. Constitution on several occasions prior to the establishment of the U.S. Congress.² However, it never acted under the authority of the Articles of Confederation to terminate those Articles, to disband itself, or to authorize the new alliance among the states.

A well-accepted principle of law is that any law or contract remains in force until it is terminated or superseded. In fact, the Articles of Confederation were never terminated. Neither were they superseded by the U.S. Constitution.³ The Continental Congress was never disbanded. Because of the ongoing organization of the new government under the new constitution, the Continental Congress for 1788-1789, never transacted any business. However, from November 3, 1788 until March 2, 1789, delegates to the Continental Congress arrived from the various states and presented their credentials. At any time that seven states were represented, the secretary could have read the credentials and the Continental Congress could have begun its sessions.⁴ This remains as true today as it was then. The Continental Congress has merely been in recess for over 200 years.

The simultaneous existence of two contradictory constitutions creates a situation in which violations are inevitable. The unresolved status of the U.S. government under the Articles of Confederation compromises the status of the present U.S. government. For these and other reasons, the U.S. government is a government of unlawful substance cloaked in a camouflage of constitutional color. The abolition of such government is neither seditious nor treasonous. It's a right of the people and an excellent idea. I believe that the present U.S. government should be abolished without further delay.

¹ See the Articles of Confederation; copy available upon request.

² See *In Search of the Supreme Flaw of the Land: Perpetual Union*, Sam Aurelius Milam III, pp 3-5; copy available upon request.

³ See the *Journals of the Continental Congress*, Volume XXXIII, pages 543-544; copy available upon request.

⁴ See the *Journals of the Continental Congress*, Volume XXXIV, page 604, footnote 1; copy available upon request.

The main difference between the idealist and the realist is that while the idealist is trying to improve the world, the realist is trying to improve the excuses.
—April 1, 1977, Milam's Notes

Anything You Say To Your Doctor May Be Used Against You

by Richard Stevens

The names of the victims in this article have been changed. —Sam

It is annoying that innocent people must carefully guard their words and actions in the presence of U.S. government police state officials to avoid providing excuses for government sponsored harassment. Even more frightening however, is the growing array of incentives quietly put into place by our political masters for private individuals in privileged positions to betray the trust of fellow citizens.

Some years ago our first child, a beautiful healthy girl was born. A few weeks before the happy event my wife's gynecologist had warned us about something called postpartum depression. Sure enough, as my wife rearranged her life to accommodate a newborn baby, including breast feeding every few hours day and night, she began feeling exhausted and despondent. Since the doctor advised that any sleeping medication might affect her milk and be dangerous to the baby, Sue coped as best she could with very little sleep, while gradually adapting to her new schedule.

For our daughter's routine one month check-up, we took her to the general practitioner we had trusted for several years with whatever minor medical services we needed. After confirming the baby's health, the doc asked how Sue and I were doing. Sue, a foreigner, not entirely familiar with the nuances of English, mentioned casually that she was depressed. The doc's friendly demeanor suddenly changed, and he insisted that I wait outside while he talked with Sue alone. A few minutes later, he reappeared, announced that he had arranged psychiatric help for Sue with the "crisis nurse" at Washington Hospital in Fremont, California, and ordered that we report there immediately. When I said I didn't feel Sue's condition called for psychiatry, his tone became threatening and he indicated he would follow up to ensure our compliance with his instructions.

I had never heard of a crisis nurse, but sensed it was somebody we did not want to be involved with. I reminded the doc that he worked for us rather than the other way around and assured him I had no intention of yielding to his orders. Sue however, hoping to get something to help her sleep, urged me to drive her to the hospital.

The crisis nurse there quickly created a crisis as advertised. Since the doctor was so concerned with Sue's condition, and since nurses are trained to not question a doctor's judgment, the crisis nurse insisted that Sue immediately see a psychiatrist. When she learned we had no medical insurance, the nurse ordered that Sue be taken by ambulance to Highland Hospital in Oakland, where charity cases are processed. At this point both Sue and I wanted to go home, but the nurse threatened to have us arrested if we tried to leave. We were terrified.

After confirming with a friend who worked at the hospital that the nurse could and probably would indeed have us arrested if we disobeyed her, I attempted to negotiate some peaceful way out for my family. I suggested it would make more sense for a local psychiatrist to examine Sue, but the nurse said Washington Hospital did not provide treatment for uninsured patients, *although we all, without regard to insurance status, are forced to support that hospital through taxes!* When I offered to pay cash for a psychiatrist, she telephoned someone then agreed to let Sue be examined there if we put up a \$2000 "cash deposit" (*ransom*). I pointed out that the proposed evaluation would cost a small fraction of that amount and that there should be no reason

to distrust my promise to pay, since only a month before I had promptly paid the hospital bill for our baby's birth. Intent on pushing her crisis to the limit, the nurse rejected every sensible proposal including seeing a private psychiatrist on an outpatient basis, and finally even my driving us to Highland rather than wasting money on an ambulance.

We refused the nurse's demand to fill out forms authorizing "services" or to provide any personal information, but apparently she got everything she needed from our trusted MD. Sue, the baby, and I were then forced to endure an unauthorized 75 mph ambulance ride after dark with rock music blaring to Highland Hospital, a rather shabby institution located in a poor area of Oakland. Sue was led into a locked psycho ward while I was forced to wait outside with our month old baby among several strangely behaving people.

Fortunately, after talking with Sue for about 30 seconds, a psychiatrist came out and asked me why we were there. When I related the story of the wicked witch at Washington Hospital, he shook his head knowingly, made a note on a form, and released us. We were denied copies of that form and all other paperwork involved in the incident, except for bills of course.

Soon we received outrageous bills from the Clinic whose GP had initiated the whole mess, Washington Hospital, Highland Hospital, and the ambulance company. We refused to pay any of them, and except for the ambulance bill, they were eventually dropped. For years, despite several unacknowledged letters explaining our reasons, we were badgered for payment of \$309 plus penalties and interest by the ambulance goons, their collection agency, and their lawyers. Finally they gave up and placed an adverse item in our credit records.

Section 5150 of California's welfare and institutions code allows "involuntary confinement" up to 72 hours (extendible to infinity) of anybody who in the opinion of a cop, attending staff, or "other professional person" may endanger others or himself. Section 5278 "exempts from liability" anyone who has somebody locked up under 5150. Nothing precludes legal action against private practitioners for allowing people to remain free. To a physician ever mindful of the explosion in frivolous law suits and the whim of the bureaucracy which controls his precious medical license, the message is surely clear. When in doubt he must sacrifice the interests of patients, the judgment of concerned family and friends, the Hippocratic oath, and every other ethical consideration to the state's voracious appetite for oppression.

Why do crisis nurses and other government officials deliberately abuse innocent people? Often, the main motivation is entertainment or ego gratification; many government employees enjoy a feeling of personal power and importance from using force or coercion against others.

Americans have been systematically kept in the dark about the extent of government sponsored violence against innocent people in our country and when such an incident does come to light, many of us only half believe it. Had I read an account such as the one above before this happened to us, I probably would have discounted it as an exaggeration. Perhaps some of you feel that way about this one. Perhaps tomorrow you or someone close will become the victim of an unwarranted attack by government officials under one pretense or another.

∞

Letter to the Editor

Dear Sam

You wonder why people never write about your articles. But so many are devoted to women's shortcomings today — what more is there to be said? Well, you could let them know that Shannon Faulkner was recruited by the ACLU,¹ so it's not a gender item; it's political. (Gender carries the day). But Sam, why not write something much more riveting, like Mr. Clinton banning nuclear testing? First we refuse to put up SDI, and then we tell the world we won't be able to fire back should they decide to attack us. How will this effect China & its pal, North Korea? Or those fanatic Muslims, who hate us and would gladly dispatch us? It won't make a lot of difference who is at the Citadel. That battleship that carried our troops to Kuwait was WWII vintage. We are not prepared for the next war.

You could also write about our financial status. Our underfunded pension funds. Disaster looms in the home front too. And all those countries we have so generously financed in years past — what do you bet, they'll be the first to attack?

So women are obnoxious — no big deal. But either we get our defences in order or prepare to meet our CREATOR in the sky. Soon after election, it seems. And that's my last word.

—Shirley; Urbana, Illinois

Thank you for your suggestions.

I don't write much about U.S. military preparedness because I advocate the termination of the U.S. government, not its rearmament for war.

*You admit that women are obnoxious, then claim that it's "no big deal". However, you're a woman. Obnoxious women aren't attacking **your** institutions. I think obnoxious women are a "big deal".*

I'll try to keep your other suggested subjects in mind for future issues.

—Sam

¹ Washington Inquirer, Vol. XV No. 34, August 28, 1995

Book Review

by Don Cormier

Isidore by Jeremy Reed, Peter Owen Publishers, 1991

Isidore is a novel based on the life of Isidore Ducasse, a nineteenth century French poet who wrote under the name "Comte De Lautréamont".

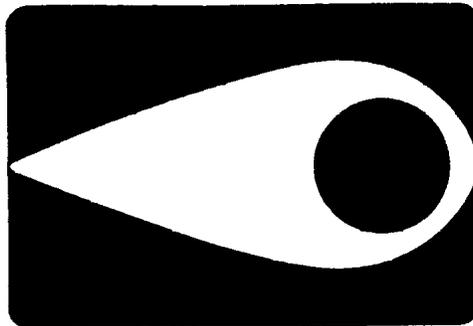
He was born April 4, 1846, and he died at the age of twenty three, just after finishing his glowering Gothic masterwork, *Les Chants de Maldoror*. Virtually nothing is known of his life, because he destroyed all his personal papers shortly before his demise. Apparently he intended his work to tell as much about him as he wanted the world to know.

Les Chants de Maldoror is a gaudy celebration of everything regarded as evil by the Victorians. It is saturated with sex and violence, and was, for many years, a kind of underground classic. In the 1920's and 30's, Lautréamont was loudly praised by the Surrealists, who regarded him as a forerunner of their artistic movement. Academic opinion now classes Lautréamont with Baudelaire and Rimbaud to form the great Satanic trinity of nineteenth century French literature.

Jeremy Reed imagines a vivid history for the mystery-shrouded poet. He tells the adventures of a naive, hypersensitive, but utterly self-willed adolescent, who begins in wild, primitive Montevideo, and who ends up in wild, pre-revolutionary Paris. His purpose is his muse — to transcribe the emotions and visions which obsess him, and he allows no law, social convention, or authority figure to obstruct his existentialist project. When he completes his grand masterpiece, *Les Chants de Maldoror*, his health fails and he fades out of earthly life — a fittingly artistic end to his meteoric trajectory.

Reed is himself a poet, and potential readers should be warned that *Isidore* is written in a semi-poetic style, with more emphasis on evocative descriptions than on conventional plotting. However, those who savor elegantly crafted rhetoric will find the novel an enriching portrait of a rebel in the cause of total self-expression. ∞

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We immediately report all
SUSPICIOUS FEDERAL AGENTS
to our confederates
—AND—



WE DON'T CALL 911.

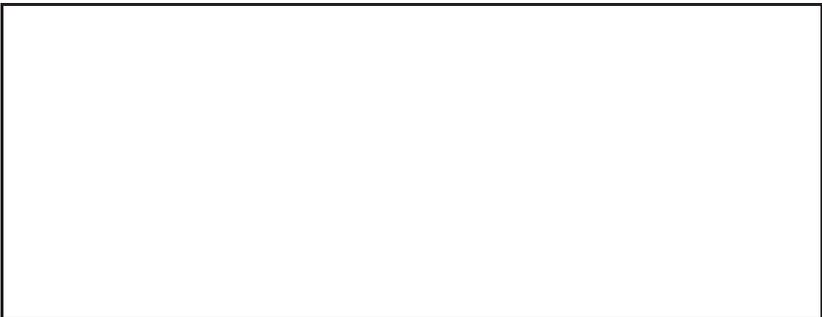
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Nation in Distress

Animal Facts:
Man is the only animal species whose females don't automatically know their proper place and function.



School Daze

The duck was excellent in swimming, better in fact than his instructor, and made passing grades in flying, but was poor in running. Since he was slow in running, he had to stay after school and also drop swimming to practice running. This was kept up until his webbed feet were badly worn and he was only average in swimming. But average was acceptable in school and so nobody worried about that except the duck.

I received my copy of this story many years ago from a forgotten source. It was attributed to the Missouri Extension News. —Sam

The rabbit started at the top of the class in running, but had a nervous breakdown because of so much make-up work in swimming.

The squirrel was excellent in climbing until he developed frustration in the flying class where his teacher made him start from the ground up instead of

from the tree top down. He also developed charlie horses from over-exertion and then got C in climbing and D in running.

The eagle was a problem child and was disciplined severely. In the climbing class he beat all the others to the top of the tree, but insisted on using his own way to get there.

At the end of the year, an abnormal eel that could swim exceedingly well, and also run, climb and fly a little, had the highest average and was valedictorian.

The prairie dog stayed out of school and fought the tax levy because the administration would not add digging and burrowing to the curriculum. They apprenticed their child to a badger and later joined the ground hogs and gophers to start a successful private school. ∞

Buck Hunter Shoots Off His Mouth

Dear Buck
What's taxonomy?
—Saw it Last Month in this Newsletter

Dear Saw it
The study of taxes.

Sesame Suite

Beg Bird: Hi there, Mr Looper!
Mr. Whooper: It's Whooper, Beg Bird, not Looper! Whooper!

Beg Bird: Sorry. Hey, Mr. Whooper! Did you really catch a feminist trying to steal pickles?

Mr. Whooper: Sure did. She was tryin' to take 'em out of the bottle right here at the counter, while my back was turned.

Beg Bird: How did you catch her?

Mr. Whooper: She got her head stuck in the jar.

Sesame Suite has been brought to you by the flavor sour, and by the National Institute of Pickle Producers for Legislative Enactment of Safeguards (NIPPLES).

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