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# Frontiersman

Caveat Lector

November 1996



## More Defects in the Bill of Rights

Sam Aurelius Milam III

### Amendment 7, U.S. Constitution

"In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law."

**common law**, unwritten law based on custom and usage and confirmed by the decisions of judges, as distinct from statute law.  
—Thorndike Century Senior Dictionary

Common Law is distinct from statute law, and a matter cannot reside within both domains. When a matter becomes a subject of statute law, then it is no longer within the domain of the Common Law. Today, everything is regulated by statute law with the result that there is no longer any Common Law. This amendment is a joke.

### Amendment 8, U.S. Constitution

"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

Who gets to decide what bail or fine is excessive? The government does. Since the amendment was supposed to protect us from the government, this amendment is a joke.

This amendment doesn't prohibit cruel punishment. It doesn't prohibit unusual punishment. It prohibits **only** punishment that is both cruel and unusual. We used to consider it unacceptable to cut off the hand of a pickpocket even though it might prevent him from repeating the crime. Today, California law allows castration as a punishment for so-called "sex-crimes" even though it probably **won't** prevent repeat "offenses". Also, don't forget that eligible "offenses" are a moving target. Sex with a consenting 17-year-old woman is a "sex crime". If a man can be castrated because of puritan bullshit like that, then the amendment is worse than a joke. It's a blank check in the hands of lunatic puritans. How long will it be before "dirty jokes" in the workplace are a "sex crime"? Mark my words....

"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

"I hold it, that a little rebellion, now and then, is a good thing, and as necessary in the political world as storms in the physical."  
—Thomas Jefferson  
in a letter to James Madison, [January 30, 1787]

## Who Needs a Bill of Rights Anyway?

Sam Aurelius Milam III

Bills of rights have their uses, but not the ones generally attributed to them. For example, they don't prevent the encroachment of despotism to which government naturally inclines. They can, however, help people to understand what their rights ought to be, and recognize encroachments upon those rights. As a barometer of political conditions, they can help people to know when the time has come to throw down yet another government.

Analyses of the various Amendments to the Bill of Rights have been presented in recent issues of this newsletter. These analyses have revealed two kinds of failures in the effect of the U.S. Bill of Rights. One kind is due to deficiencies in the amendments, and the other is due to ignorance or inattention of the people.

There are lessons to be learned from these failures. It should come as no surprise that the paper boundaries of the U.S. Bill of Rights have failed to prevent the government's inevitable tendency toward despotism. A paper boundary isn't sufficient. The limits on government must be inflexibly asserted in people's everyday lives. Freedom or slavery both begin within each individual, and each individual must choose one or the other. The lesson is this: eternal vigilance is one of those things that cannot be delegated.

## Anonymous Fax to the Editor

### Income Tax

The best way to improve the tax code is to repeal the income tax amendment to the Constitution of the United States of America. An income tax makes the Citizens of the United States of America into slaves. Historically, the slave holder has the privilege to take all or a part of a slave's earnings. In this case, the government is the slave holder that is taking a part of each slave's earnings.

- Want to downsize government? Repeal income tax.
- Want to have personal freedom? Repeal income tax.
- Want to have economic freedom? Repeal income tax.
- Want to encourage personal savings? Repeal income tax.
- Want to minimize or eliminate double taxation? Repeal income tax.
- Want to keep government out of your private affairs? Repeal income tax.

## Abstain From Beans

Commentary by Robert LeFevre

On One Side...

On The Other Side...

In ancient Athens, those who admired the Stoic philosophy of individualism took as their motto: "Abstain from Beans." The phrase had a precise reference. It meant: DON'T VOTE. Balloting in Athens occurred by dropping various colored beans into a receptacle.

To vote is to express a preference. There is nothing implicitly evil in choosing. All of us in the ordinary course of our daily lives vote for or against dozens of products and services. When we vote for (buy) any good or service, it follows that by salutary neglect we vote against the goods or services we do not choose to buy. The great merit of market place choosing is that no one is bound by any other persons selection. I may choose Brand X. But this cannot prevent you from choosing Brand Y.

When we place voting into the framework of politics, however, a major change occurs. When we express a preference politically, we do so precisely because we intend to bind others to our will. Political voting is the legal method we have adopted and extolled for obtaining monopolies of power.

Political voting is nothing more than the assumption that might makes right. There is a presumption that any decision wanted by the majority of those expressing a preference must be desirable, and the inference even goes so far as to presume that anyone who differs from a majority view is wrong or possibly immoral.

But history shows repeatedly the madness of crowds and the irrationality of majorities. The only conceivable merit relating to majority rule lies in the fact that if we obtain monopoly decisions by this process, we will coerce fewer persons than if we permit the minority to coerce the majority. But implicit in all political voting is the necessity to coerce some so that all are controlled. The direction taken by the control is academic. Control as a monopoly in the hands of the state is basic.

In times such as these, it is incumbent upon free men to reexamine their most cherished, long-established beliefs. There is only one truly moral position for an honest person to take. He must refrain from coercing his fellows. This means that he should refuse to participate in the process by means of which some men obtain power over others. If you value your right to life, liberty, and property, then clearly there is every reason to refrain from participating in a process that is calculated to remove the life, liberty, or property from any other person. Voting is the method for obtaining legal power to coerce others.

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### What's It All About...

Grocer John Roscoe, owner of the 102-store Northern California chain of FOOD & LIQUOR (P.O. Box 886, Benicia, CA, 94510) mini-markets began distributing grocery bags bearing the above two commentaries before the 1988 elections. Customers grabbed up the bags as collectors items, mementos of an election that has turned off many voters.

Mr. Roscoe, who started the Benicia-based chain 28 years ago, said government has become "more and more coercive"

Don't Vote. It Only Encourages Them! - If you want good things to happen in your community you'd better get out and do them yourself. Voting doesn't improve a situation. Hard work does. By voting you allow a politician to do whatever he wants to do. Then he says he did it because you told him to.

Do You make a Difference? - We doubt it. Politicians do whatever they want to do. Then they say "it's the will of the people." Experts think that 98% of the Senators and Representatives who run for reelection this year will win. Incumbents have enormous campaign funds, financed by special interests. Since most candidates and propositions win by thousands of votes, scholars speculate that people realize their vote won't make a difference. Maybe they vote for the entertainment value. They vote for the fairy tale; that we're all going to get something for nothing.

Why Elections Aren't In April - Elections are about money. Tax money. Your money. Politicians compete in order to spend it. It makes them powerful. It makes some of them rich. When you vote, you give them justification for spending your taxes. Politicians call it a "mandate." They always have enough mandate, but never enough money. Here's what they want to do: make you think they're going to spend more on you than you paid in taxes. Politicians want you to think you're going to get a free lunch.

There's No Free Lunches! - You can't get something for nothing. Think of what you want for your community. You want peace and prosperity. You want safe neighborhoods and good schools. You want to be protected. You can't buy those things, not for any amount of money. You can't get them by a speech, or a vote, or a law. Good things come from hard work. If you want good things to happen, you'd better do it yourself.

Voting Isn't Freedom - Some of you may write in and say that if we don't vote, we're against America. Or you'll suggest we go live in a communist country where we'd be forced to vote. If this country is really free, you must be able to abstain from voting. Free people don't have their lives dictated by the votes of their fellow citizens. Voting is the method the majority uses to tell the minority how it's going to be.

Might doesn't make right, we say. Don't vote! It only encourages politicians! Instead, think of some good things that need doing. Let's get out there and do them!

since he went into business. "There's a lot less freedom than I had 30 years ago." He said he faces more regulation every time a city council meets. "I'm for more self-government." Roscoe claims he's a member of no political party and distrusts politicians in general. "I have greater faith in the American public than most politicians do," he said.

Mr. Roscoe received a stern letter from California Secretary of State March Fong Eu condemning him for expressing his opinion.

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This article was given to me by someone who got it from the Liberty Bell BBS, 408 243-1933 (8N1)

—editor

## Jeffrey Hummel on the Civil War

This article is reprinted from the October 1996 issue (Volume 18 No. 10) of *Libertarian Lifeline*. The address of *Libertarian Lifeline* is Libertarian Party of California, East Bay Region, 20993 Foothill Blvd., #318, Hayward, California 94541. The telephone number is 510 531-0760

Our September meeting in Alameda County was a rare treat. Author and History Professor Jeffrey Rogers Hummel joined us for dinner. He spoke about his latest book, *Emancipating Slaves, Enslaving Free Men: A History of the American Civil War*, now in its second printing. The topic of his discussion was "Foundations of Big Government: The Economic Impact of America's Civil War." It was eerie to learn that many of the big government agencies that sap our economy now **do not** date from Roosevelt's New Deal, but actually had their roots in Abraham Lincoln's Presidency and the reconstruction programs instituted after his assassination. Big Government thrives on war and other crises, thus fostering more recent "wars" like the War on Poverty and the War on Drugs. As Randolph Bourne remarked more than 100 years ago, "War is the health of the State."

Hummel began by pointing out that Andrew Jackson was the last American president to retire the national debt, an accomplishment that was all the more remarkable because he did so when the government had only two sources of revenue: constitutional tariffs and the sale of public lands. Twenty-three years after Jackson left office, during the four years of civil war, government spending rose from a mere 5% of Gross Domestic Product (GDP) to more than 20%. The separation of banking and government, a pillar of Jacksonian Democracy, was abolished as permanently as slavery by the time the Lincoln administration ended so abruptly. Private mints were outlawed, establishing a monopoly for the U.S. Mint, and state banks were legislated out of business. After the war, the largest single government expenditure was the interest payment on the national debt.

According to Hummel, the Civil War represents the

repudiation of the principles upon which the American Revolution was based, i.e., the right of independent states to self-determination. Besides the fundamental overhaul of the banking system, the war changed almost every aspect of American life and American government, in both subtle and profound ways. Prior to the Civil War, the only standing army in the U.S. was the voluntary militia, which under the Polk Administration, had defeated a Mexican Army with two-thirds more soldiers. By 1865, the Union Army was more than one million strong, by far the largest standing military force ever assembled in history. This was largely due, of course, to the introduction of conscription and all its attendant evils, e.g., bounty hunting and street riots sparked by draft officers going from house-to-house to seize conscripted soldiers. In fact, more soldiers were executed for desertion during the Civil War than during any American conflict, before or since.

Hummel presents a vivid delivery of these details and events -- scholarly, but by no means stuffy. If you have even a passing interest in this period of history and its effect on the present, you owe it to yourself to investigate this book.

If you missed this exciting presentation in September, don't fret too much because Jeff is returning this month to talk about "Why the North Should Have Succeeded From the South: The Political Economy of Slavery and Secession." Join Professor Hummel and other Contra Costa Libertarians at Fuddruckers, 1975 Diamond Blvd., Concord (Willows Shopping Center) on Tuesday, October 22, at 7:30 p.m. Come earlier and join us for dinner. Copies of Jeff's book, in both hardcover and paperback, will be available at the meeting. ∞

For those of you who're interested, I understand that the *Anarchist Cookbook* is available again. It's advertised in *The Nation*, August 26/September 2, 1996, for \$25, from Barricade Books, PO Box 1401-R, Secaucus, NJ 07096. Anybody who orders one, please write to me from prison if it's a trap. —editor

## Buck Hunter Shoots Off His Mouth

Dear Buck

I heard a mariachi band for the first time the other day at a friend's wedding and I've decided I'd like to join one. What's the best way to get started? Enthusiastic

Dear Enthusiastic

Learn to play the mariachi.

## Sesame Suite

Miss Priggy: Ooohh, Herrrrmmieeee! I love you in the worst sort of way!

Hermit the Frog: Oh, that's alright Priggy, you'll get better with practice.

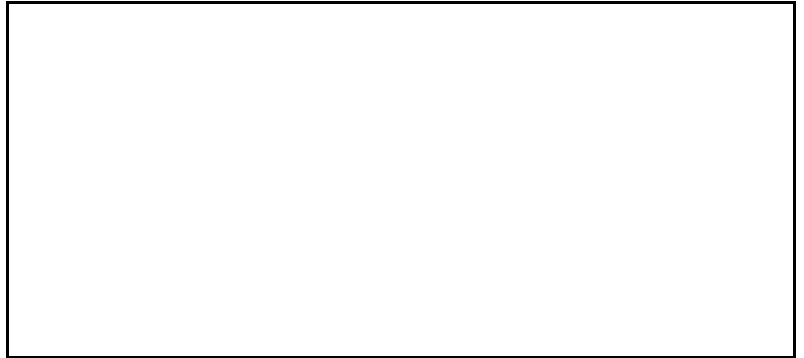
Priggy: HyeeeeeeeYAH!

Hermit: OOF!



Nation in Distress

**The US Constitution ought to define and limit the powers of the US government. Instead, it defines and limits the activities of the people. Therefore, it is doing great harm and no good. I believe it should be terminated.**



### On the Road with Buffalo Hunter

Buff reported this conversation from a small town in Arkansas where he'd been visiting an old friend of his named Roberta Bust. The conversation took place one sultry summer afternoon when he and Bobbi were having a picnic in the nearly deserted town square.

While they were finishing off the last of the sweet potato pie, Buff noticed three men sleeping on the grass under a nearby tree. The three men, it seemed to Buff, were as immovably comfortable as any three men he'd ever seen. Bobbi noticed him watching them and commented, "Them's the three laziest men in the world!"

"Really?" responded Buff.

"Yup," continued the lady, "and the only thing I've never been able to figger out is which one's tha laziest."

"Aw shucks," commented Buff. "I can do that in a minute!"

"I'll bet you ten dollars that you can't."

"Yer on!" answered Buff.

Buff and Bobbi each laid ten dollars on the park bench, weighted with a convenient rock. While Bobbi sat by the money and watched, Buff got out a five dollar bill and approached the three fellows who, for convenience, we'll call Tom, Dick, and Harry.

"Hey!" said Buff, "I'll give this here five dollar bill to whichever one of you guys is the laziest!"

Tom sat up and said, "Well, there's no doubt about it. I'm the one!"

Dick rolled from his side to his back and held out his hand. "Not him," he said, "me."

Harry, sprawled on his back, didn't move at all. In a barely audible voice, he murmured, "Roll me over and stuff it in my back pocket."

Buff stuffed the fiver in Harry's pocket and collected his winnings from Bobbi. ∞

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### Frontiersman

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—Sam Aurelius Milam III, editor