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# Frontiersman

Facing the truth, however great the cost.  
August 2003

## To Alter or To Abolish It

Sam Aurelius Milam III

The recently ended session of the Supreme Court provided plenty of grist for the mills for the various pundits, politicians, and reformers. In all the gabble, I might have missed something, but I don't recall hearing any of them even mention the only really important issue regarding the courts. That issue is the fact that, over the past hundred or so years, the courts have become a de facto legislative body.

The Texas anti-sodomy legislation is as good an example as any. The Supreme Court ruled against that legislation. That's all well and good. However, the ruling is expected to have the effect of also overturning similar legislation in other states, legislation that wasn't before the Court. It hasn't always been that way.

In 1889, Bouvier noted the distinction between the judicial and the legislative powers.

The judgment must confine itself to the question raised before the court, and cannot extend beyond it. For example, where the plaintiff sues for an injury committed on his lands by animals owned and kept carelessly by defendant, the judgment may be for damages, but it cannot command the defendant for the future to keep his cattle out of the plaintiff's land. That would be to usurp the power of the legislature. A judgment declares the rights which belong to the citizen, the law alone rules future actions. The law commands all men, it is the same for all, because it is general; judgments are particular decisions, which apply only to particular persons, and bind no others; they vary like the circumstances on which they are founded....

—[Bouvier's Law Dictionary](#), 1889

Thus, the recent Supreme Court ruling can legitimately overturn the legislation in Texas,

but it cannot legitimately have any effect on any other legislation, however similar, in any other place or at any other time. If someone wants other legislation to be judged, then that other legislation must be brought before the Court. Any other practice constitutes a judicial usurpation of the legislative powers.

Let's be very clear about this.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

—Article I, Section 1, U.S. Constitution

The courts do not have legislative powers.

Now, consider this.

**Judge-made law** .... It is perhaps more commonly used as meaning, simply, the law established by judicial precedent and decisions. Laws having their source in judicial decisions as opposed to laws having their source in statutes or administrative regulations.

—Black's Law Dictionary, 1979

*Case law* is the term which is most commonly used. Again, only the legislative branch can make legislation. Case law and judicial precedent are inherently unconstitutional. John Bouvier had it right. The decision of a court cannot have jurisdiction beyond the matter immediately before the court. If you were not a party to such a matter, then the decision of the court doesn't have any authority over you at all.

The only virtue that I can attribute to the U.S. government is consistency. That is, it is universally illegitimate. There isn't, anywhere within the U.S. government, an institution or function that has constitutional validity. The courts are only one of many examples. If the entire government is unconstitutional, then why mention the courts? I keep hoping that if I mention enough examples, then maybe people will start to listen to me and we can eventually get on with the necessary and long overdue job of terminating the corrupt federal union.

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## Stay at Home

Sam Aurelius Milam III

A recent news report<sup>1</sup> noted that 32 million Americans went to sleep at the wheel during the year prior to the cited survey<sup>2</sup>. The report further noted that, each year, 100,000 crashes and 1500 deaths<sup>3</sup> are associated with drivers who go to sleep while driving. The numbers appear to refute the widely held belief that going to sleep while driving is a big problem. Only .313% of admitted sleeping driver incidents even resulted in crashes. A minuscule .00469% of such incidents resulted in deaths. Even if the reporter intended to report fifteen thousand deaths, and said fifteen hundred deaths by mistake, then the percentage is still small, only .0469% . It appears that drivers who fall asleep while driving don't present us with a very large risk. They don't seem to be any more dangerous than a lot of other risks that we all routinely accept. They certainly don't justify granting additional draconian powers to the already intolerable traffic gestapo.

Nevertheless, Carole McDonnell, of New Jersey, has decided that liberty is less important than her bereavement over the death of her daughter, who was killed six years ago by a driver who went to sleep while driving. Consequently, she has successfully lobbied in New Jersey for yet another piece of draconian legislation, and is advocating similar legislation in other states. The legislation would define deaths caused by sleeping drivers as vehicular homicide. If the accused driver had been without sleep for 24 hours or longer, then he would receive a sentence of ten years in prison where, presumably, he could catch up on his sleep. The legislation is draconian because of the measures that would be needed to enforce it. What kind of surveillance will be required to determine how long somebody has been awake? Will they require all drivers to keep a sleep log, or allow sleep monitors in their bedrooms as a condition

<sup>1</sup> CBS Evening News with Russ Mitchell, Weekend Journal, Saturday, July 5, 2003

<sup>2</sup> The survey was attributed to the National Sleep Foundation. The date of the survey wasn't given.

<sup>3</sup> Fifteen hundred seems low to me, but it is the number that was reported.

of getting a driver's license? Will they invent a sleepalyzer test, and require drivers to take it? At the very least, it will give the gestapo another excuse to require drivers to provide information that will be used against them. With a complete disregard for liberty, Carole McDonnell doesn't care. She said she'll be happy if the fear of punishment scares people into compliance. Anybody who dares oppose such a crazed reformer, on such a Holy Crusade, is demonized as being in favor of the deaths of daughters, or whatever. The governor of New Jersey is expected to sign the bill.

Liberty is more important than safety. Our ancestors didn't come here to be safe. They came here to be free. If they had valued safety over liberty, then they wouldn't have made those long and dangerous journeys into the unknown. They'd have stayed at home. That's my advice to the wimps who value safety over liberty. It's a dangerous world out there. The highways are a part of that world and a part of the danger. People who are not willing to accept the risks ought to stay at home. 🗑

## Constructive Alternative

Sam Aurelius Milam III

Nearly five years ago, Justin Cabasis, then 19 years old, was driving more than 90 mph, and was involved in an accident that killed the wife and daughter of Bruce Maricomi. Justin was facing a stiff sentence, as much as 30 years in prison. However, Bruce Maricomi had a better idea. Justin, now an adult, is serving a sentence involving house arrest and lectures.<sup>4</sup> Twice a month, Bruce and Justin speak to high school students who are preparing to become drivers. Not only did Bruce's idea keep a young man out of prison, it resulted in a constructive effort to prevent future tragedies.

The repressive legislation promoted by Carole McDonnell, previous article, is a dismal comparison to the fine example of forgiveness and constructive remedy achieved by Bruce Maricomi. He should be an example to us all. She should be an embarrassment and a warning. 🗑

<sup>4</sup> CBS Evening News with John Roberts, Jim Axlerod reporting, Sunday, July 6, 2003. Correct spellings of names weren't given. Details of the house arrest arrangement were also not provided.

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## Stray Thoughts

Sam Aurelius Milam III

Safety Device — Cars are too complicated. For one thing, they should stop putting all that safety crap in them. It makes the cars more expensive and harder to repair, and there are too many people in the world anyway. The only safety device that a car needs is the driver.

Pornography — I can't think of any reason at all, beyond the horrified and hypocritical reprimands of shocked adults, why pornography should be harmful to children. Ignorance is harmful to children. Misinformation is harmful to children. Hypocrisy is harmful to children. Pornography isn't likely to harm them. On the contrary, it might even educate them.

Reading — I've heard some people, usually Christian evangelists, condemn the Harry Potter stories and bemoan the children who read them. I expect that those are the very same people who complain that children spend too much time with TV and video games, and don't read enough books. It figures.

When I was a child, one of my father's friends criticized my non-stop reading of comic books. He said it would ruin my mind. My father said that he didn't give a damn what I read, just so long as I was reading. Later, when my mother caught me reading *1984*, by George Orwell, she just happened (as bad luck would have it) to take the book out of my hands to see what I was reading, just at the picnic scene with Winston and Julia. She shook her head but the important thing is that she handed the book back to me.

So what if Harry Potter is about Wizards? Is that worse than the stuff that's on the TV or in the video games? At least the kids are reading books. Shut up and leave them alone! Who knows what they might be reading next? Maybe even this newsletter.

Watching Television — When the oldest of my two daughters was a little girl, I tended to let her watch whatever she wanted to watch on the television. I just made sure that I was around to answer questions. Her tastes quickly became more selective than mine. After that, I didn't need to worry too much about what she watched. By the time she was a teenager, I dis-

covered that some of the best movies that I watched were the ones that she selected. Don't panic. What they watch won't ruin them, so long as you're there to answer their questions.

It Isn't Free — Medical services must be produced by someone other than the person consuming them. Therefore, medical care isn't a right. It's a product. If we want medical services to remain available, then we'd better be willing to pay for them, and not expect to get them for free.

Dead Air Time — I'm sure tired of weather forecasts that seem like a mini course in meteorology. I don't care about high pressure zones or jet streams. I just want to know if it's going to rain. If they'd eliminate the unnecessary crap and just give the forecast, then they'd have the time for one or two more news items.

Holy Cow — What do you call a Moslem cleric who owns a dairy? A milk sheik.

## A White Man's Notes

Sam Aurelius Milam III

Problem Solver — When a man encounters a problem, his normal response is to try to find a way to solve it. When a woman encounters a problem, her normal response is to try to find a man to solve it for her.

Bad Deal — I've spoken to several newsletter subscribers who seem to discount the validity of my observations of women's behavior on the basis of a past "bad relationship". If I report ([July, 2003](#)) that a local news program had five times as many items on women's health issues as it did on men's health issues, what does that have to do with my "bad relationship"? If I report ([April, 1995](#)) that some female students were demanding girl-only math classes while other female students were demanding admittance to boys wrestling classes, what does that have to do with my "bad relationship"? For **years**, I've been accurately reporting the arrogant, intrusive, repressive, and hypocritical behavior of women. I'm sick of having my observations discounted as being merely the consequence of a "bad relationship". I challenge any of you to provide as much solid documentation in opposition to my observations as I have provided in support of them.

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## Please Don't, Mr. President

Jim Sullivan

Please, President Bush, after you're through with Iraq, don't attack Canada next. They don't have any weapons of mass destruction. Admittedly, they do have a missile but, in reality, it's just a puck. You know, that hard rubber piece of sports equipment used to slide across the ice rink to score goals in the game of hockey.

Yes, they have lots of pucks and, to fire them, Canadians have plenty of hockey sticks, too. And a puck could hurt an American, if he or she were unlucky enough to get hit with a slap shot, for instance. But otherwise, a puck isn't lethal. In fact, it's basically a peaceful missile.

Canada, being as close as it is to the U.S., could easily lob something far more unpleasant, like a stink bomb, over the border. That could do some damage to U.S. citizens and to their property. But why would Canadians do such a thing? Sure, they might want to exact revenge for the awful U.S. TV programs that float over the airwaves into Canada. The same goes for U.S. radio.

And Canadians could be extremely unhappy about what's occurred to their beloved dollar. It was once worth more than a U.S. greenback. But that's no longer the case. Today, a Canadian dollar is worth about half a U.S. buck.

But to offset all those negative facts, many Hollywood movie makers are currently producing their films in Canada. That's being done for altruistic reasons and because labor is cheaper there. That certainly helps Canadian employment. And, lately, many elderly U.S. citizens have been taking bus trips to Canada to buy medical prescriptions, which are much less costly up there, possibly because Canadians truly care about their senior citizens. So, pharmacists up north are cleaning up. Canadians thus have no reason to totally dislike the U.S. or to harm its people. Quite to the contrary.

And don't forget, Mr. President, Canada is supplying a big portion of America's oil needs nowadays. Why, then, should the U.S. alienate a major oil supplier? It surely makes good business sense not to do so.

If you started hostilities with Canada, Presi-

dent Bush, it's a pretty safe bet that Great Britain would take umbrage and stop being a U.S. ally. After all, Britain is a much closer friend of the Canadians. It may have something to do with the U.S. rebelling against King George III, while Canadians didn't, way back in 1776.

Moreover, American folks can't continue to blame or to seek to get even with Canada because its ally, Britain, burned the U.S. capitol and White House in Washington D.C. during the War of 1812. Though few in this country were taught so in school, or remember it, American forces torched Canada's capitol first!

Overall, Mr. President, there's no good reason to attack, bomb, strafe, or invade Canada. They're a long-time, friendly neighbor. And it's to the Canadians that U.S. individuals owe so much for so many good things in life, like the game of hockey. Don't forget, most of the National Hockey League players on U.S. teams don't come from the U.S.A., but from Canada!

And so to you, President Bush, to Vice President Cheney, and to the cabinet members, please stay calm and work with, not against, Canadians to keep terrorists out of that country and this one.

You may recall, too, gentlemen, that Canadians and U.S. citizens do speak almost the same language! ∞

## Late Night Presidential Humor

Forwarded By Citizen Assistance Network, Supportcan--  
9433632@Autocontactor.Com

See, President Bush may be the smartest military president in history. First, he gets Iraq to destroy all of their own weapons. Then he declares war. —Jay Leno

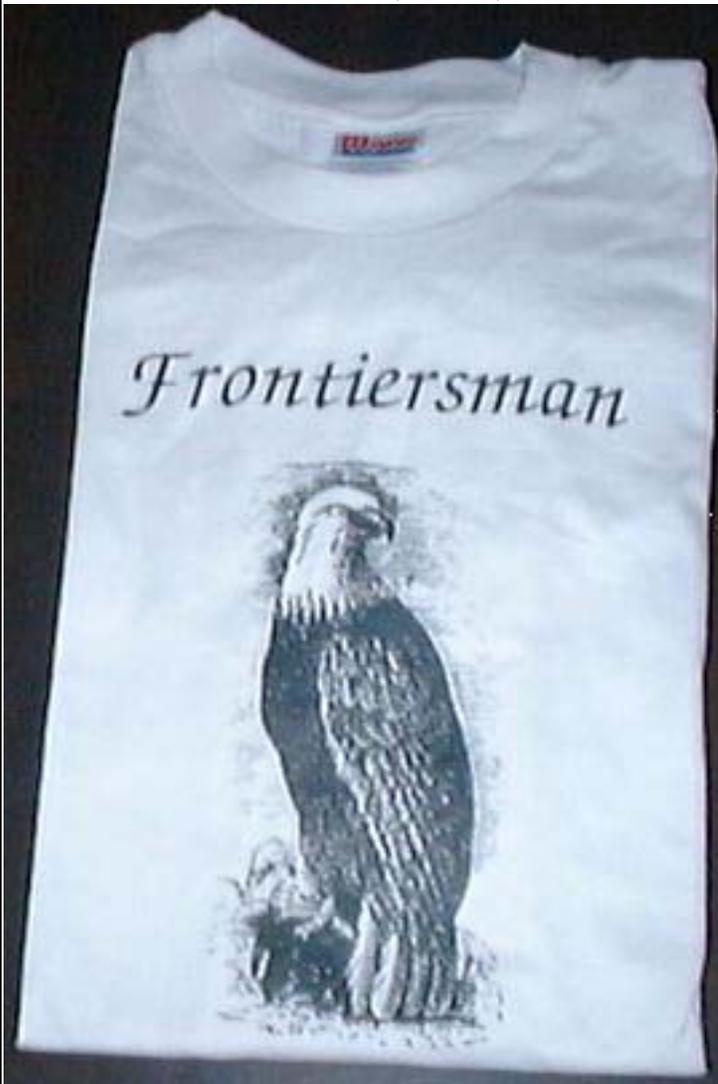
Help me restore liberty on this continent.

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## Frontiersman T-Shirt Adult XL (46-48)



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### The Housing Situation

Sam Aurelius Milam III

The woman who owns this farm has “asked” me to complete an application for an apartment in a government-subsidized housing project. Since I lack a social security number, a driver’s license, an employer, any references, or any accounts, and since I denied any citizenship whatsoever and signed the application “under duress”, it isn’t likely that I will be accepted in the housing project. However, unless my supporters want to see me faced with other such compromises of my integrity, it’s time for them to start giving me some actual **support**. 🗡️

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### Letters (and Telephone Call) to the Editor Hello Sam

Frontiersman is cool and I’m enclosing a phone card. The stickers escaped my probation officer’s confiscation of all my “Bushy” stickers. So I send those as well.

Cheerio. —Karl; Windsor, Connecticut

*Thanks for the stuff, and especially for the pre-paid telephone card.* —editor

*I received a telephone call from Alan, of San Jose California. He commented that this newsletter is worth continuing. He also offered to let me live in a camper in his garage. I appreciate his encouragement and his generous offer. However, I need a lot more space than a camper. I’ll need at least 700 square feet or I’ll have to abandon most of what I own. Not only would I like to avoid that, the woman who owns this farm doesn’t want all that junk left here.* —editor

*This is in response to the letter from Sanazay Bob last month, and to my editorial response to it.* —editor

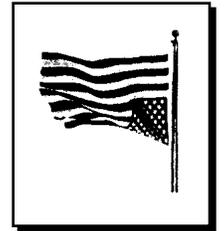
You must remember that this nation was founded by Christians, which is why the Christian ethic has been imposed by statute law since the inception of this nation. The church still interferes with the state by continuing to impose their religious, moral, and ethical beliefs upon those outside their faith by instigating legislation for statute law despite the Supreme Court rulings about the separation of church and state. This would not be possible if there truly were a separation of church and state.

After more than eighty years, legislators still have not acknowledged the fact that prohibition does not work. All the prohibition laws do is make breaking the law profitable. Perhaps profit is the reason prohibition has never been repealed. —Sir James the Bold

### Some Rules By Men, For Women

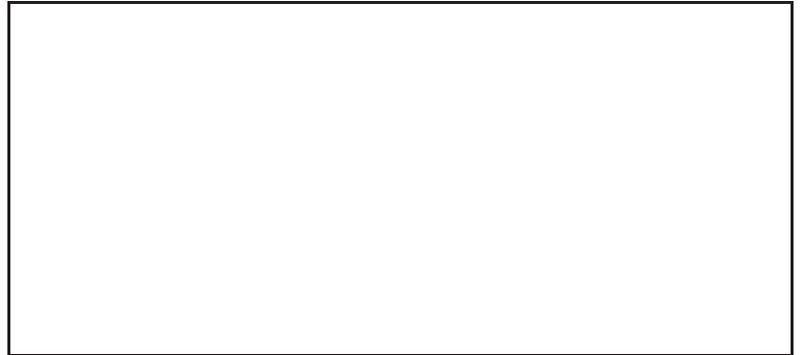
Original Source Unknown. Forwarded by Don G.

- Learn to work the toilet seat. You’re a big girl. If it’s up, put it down. We need it up, you need it down. You don’t hear us bitching about you leaving it down.
- We are not mind readers and we never will be. Our lack of mind-reading ability is not proof of how little we care about you.
- Sometimes we are not thinking about you. Live with it. ∞



Nation in Distress

The right to keep and  
bear arms should not end  
at the airport boarding  
gate.



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### Buck Hunter Shoots Off His Mouth

Dear Buck

What do you think of the music of Debussy?

—Music Lover

Dear Music Lover

I ain't never rode on a bus that had music. I can tell by the name they make that kind in France. Right?

### Acknowledgments

My thanks to the following: Lady Shirley the Benevolent, Sir James the Bold, [Sir John the Generous](#), Sanazay Bob, Karl, of Windsor, Connecticut, Sir Donald the Elusive, Mark, of Sterling, Colorado, and Jackson, of Fremont, California.

—editor

### Sixth Grade Test Bloopers

Original Source Unknown. Forwarded by Reverend W. Dale Blackford, [strong4man@earthlink.net](mailto:strong4man@earthlink.net)

- Writing at the same time as Shakespeare was Miguel Cervantes. He wrote Donkey Hotey. The next great author was John Milton. Milton wrote paradise Lost. Then his wife died and he wrote Paradise Regained.

- It was an age of great inventions and discoveries. Gutenberg invented removable type and the Bible. Another important invention was the circulation of blood. Sir Walter Raleigh is a historical figure because he invented cigarettes and started smoking. Sir Francis Drake circumcized the world with a 100-foot clipper.

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### Frontiersman

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—Sam Aurelius Milam III, editor

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