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Frontiersman

Facing the truth, however great the cost.

June 2009

From Confederation to Confabulation

Sam Aurelius Milam III

It's a well established but often ignored principle that legislation, constitutions, or contracts remain in operation as enacted until they're either revised, superseded, or terminated. In that regard, it's generally unknown that the Articles of Confederation were never terminated and that they were not superseded by the U.S. Constitution.¹ Not only did the U.S. Constitution not supersede the Articles of Confederation, it contains acknowledgment of their continued operation.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

—Article VI, Section 1
U.S. Constitution

Engagements can be properly construed to mean any agreement characterized by the exchange of mutual promises. That includes the Articles of Confederation. Thus, Article VI, Section 1 recognizes, by reference, the Articles of Confederation as a valid engagement of the United States.

Such an interpretation is reinforced by Article VI, Section 2 of the U.S. Constitution.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land....

—Article VI, Section 2
U.S. Constitution

When the Articles of Confederation were enacted, the states were politically independent nations. Therefore, the Articles of Confederation can reasonably be regarded as a treaty. The arrangement of grammar in Article VI, Section 2 (“...all treaties made, or which shall be

¹ *In Search of the Supreme Flaw of the Land: Perpetual Union*, Monday, July 2, 1990, Sam Aurelius Milam III

made...”) indicates treaties that were already in existence at the time as well as future treaties. That includes the Articles of Confederation. The clause also provides that legislation, but not treaties, must be “...made in pursuance thereof...”. That is, legislation but not treaties must be constitutional. By Article VI, Section 2 of the U.S. Constitution, the Articles of Confederation, having never been terminated, are a part of the supreme law of the land.

There's other evidence that the Articles of Confederation continue in operation today. The most spectacular and tragic is the War Between the States. The Articles of Confederation established the union as perpetual. However, only once did the Constitution address the expected duration of its union. That's in the Preamble.

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves **and our posterity**, do ordain and establish this Constitution for the United States of America.

—the Preamble to the Constitution
<emphasis added>

Unlike the wording in the Articles of Confederation, the wording in the Constitution doesn't mandate perpetual union. Yet over 70 years after the Articles of Confederation were presumably superseded, perpetual union was enforced by the northern states. If the northern states were justified in their action, then the justification could have come only from the Articles of Confederation because there isn't any perpetual membership requirement in the U.S. Constitution. For more than 140 years, the requirement of perpetual union has been tacitly accepted as a part of the supreme law of the land. That requirement proves the continued operation of the Articles of Confederation.

Further evidence of the continued operation of the Articles of Confederation is provided by the post office, which is usually presumed to op- →

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erate under authority provided by the U.S. Constitution. However, the only wording in the entire U.S. Constitution that deals with the post office is in Article I.

[The Congress shall have power] to establish post offices and post roads;

—Article I, Section 8, clause 7
U.S. Constitution

That's a simple grant of a power, without wording that can be construed as making the power exclusive. Nevertheless, the post office exercises an exclusive power. The exclusive power comes from the Articles of Confederation.

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
Articles of Confederation
<emphasis added>

Thus, not only the monopoly on mail delivery but also the authority to require postage on the mail is provided not by the U.S. Constitution but by the Articles of Confederation. The final irony of this particular example is that, even under the Articles of Confederation, the power to exact postage extends only to "papers." Presumably, postage cannot be legitimately required on things traveling through the mail if those things are not "papers."

Another example of the ongoing operation of the Articles of Confederation is the coins. The union is empowered by Article 9 of the Articles of Confederation to have the sole and exclusive right and power of regulating the alloy and value of coins. The Constitution mentions only gold or silver coins. Thus, the coins that are in common use today are authorized by the Articles of Confederation but not by the U.S. Constitution.

The exercise of powers granted only by the Articles of Confederation proves the continued operation of those Articles. Thus, it appears that two mutually exclusive and contradictory contracts between the states exist simultaneously. Whichever contract is presumed to authorize the present union, examples can be found of powers presently exercised and granted

only by that contract. Whichever contract is considered, a violation can be discovered.² Regardless of the powers provided or the violations committed, a union cannot be valid when it is created by two different and contradictory contracts. That's as true of a union of states as it is of, for example, a marriage.

In fact, the situation is more complex than I've demonstrated in this article. More information is available in my essays that are listed following the article. I suggest that you study the essays listed there and form your own conclusion. They're all available on *Pharos* at <http://pharos.my3website.net/>. My conclusion is that the union doesn't have any legitimacy at all and that it should be terminated. Lacking the ability to destroy it, I've abandoned it. That is, I avoid anything that will tend either to support it or to legitimize it. I suggest that you do the same. A plan for beginning such abandonment is suggested in the essay listed at Reference 3.

Essays for Further Study

- 1 *In Search of the Supreme Flaw of the Land: The Seventeenth Amendment*, Tuesday, July 14, 1987, Sam Aurelius Milam III
 - 2 *In Search of the Supreme Flaw of the Land: Unalienable Rights*, Friday, March 18, 1988, Sam Aurelius Milam III
 - 3 *Abandonment: One Small Step Back for a Man, One Giant Step Forward for Mankind*, Friday, March 31, 1989, Sam Aurelius Milam III
 - 4 *The Long and Winding Doctrine: Social Contract*, Sunday, April 15, 1990, Sam Aurelius Milam III
 - 5 *In Search of the Supreme Flaw of the Land: Perpetual Union*, Monday, July 2, 1990, Sam Aurelius Milam III
 - 6 *The Constitution, The Government, and The Doctrine of Social Contract*, Saturday, February 16, 1991, Sam Aurelius Milam III
 - 7 *In Search of the Supreme Flaw of the Land: Separation of Powers*, Tuesday, September 10, 1991, Sam Aurelius Milam III
 - 8 *In Search of the Supreme Flaw of the Land: The Bill of Rights*, Monday, December 9, 1991, Sam Aurelius Milam III
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- 2 *In Search of the Supreme Flaw of the Land: Perpetual Union*, Monday, July 2, 1990, Sam Aurelius Milam III

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Dreamscape: The Mall

Sam Aurelius Milam III

In my dreams, there are some places that I visit repeatedly. One of those places is the Mall. I've been there three times that I can recall, over the past 20 years or so.

My visits to the Mall have always begun in a rocky, irregular valley. The valley curves gradually from the South toward the Southeast. On each of my visits to the Mall, so far, I've ridden South along the valley on a vehicle that I can't see. It seems to be something like a motorcycle, a bicycle, or maybe an ATV. I ride along the curving valley for a short distance, maneuvering among large boulders, and then there's a discontinuity in the dream.

My next awareness is of walking in the Mall. It's a long place, and often narrow. The floor, walls, and ceiling are entirely covered in tiles. I can't remember if the tiles have any color but they're very bright and glossy. The Mall is utterly silent. In some places, the Mall is about as wide as a normal room in a normal house. In some places, it's much wider. Often, there are entrances to various shops along the sides, usually in the wall to my left. I always walk along the wall to my right. I can't see into the shops. One of the wide places has a shop in the center, between the walls on either side. I can't tell if there are any windows in the shop, or any doors. Just beyond the shop, there are a few people hurrying back and forth across the Mall, ahead of me. There are never any people walking along

the Mall, only crossing it, always hurrying, and always ahead of me, never behind me. Just beyond the shop, where the Mall is still wide, there are three black escalators. Two of them are facing me, so that I can see the stairs moving on them. The third escalator is between the other two and faces the other direction, so that I can't see its stairs. They're utterly black and utterly silent. All three of them are going up. There aren't any people on them.

I walk past the escalators. The next section of the Mall is narrow, just a hallway. After a while, it widens on the left into a small room that's completely covered on all three walls with Post Office boxes. Beyond that, the Mall is narrow again, just a hallway. There's a 90° turn to the left and then a 90° turn to the right. Shortly after that, at a wider section, the entire width and height of the Mall are blocked by a glass wall, floor-to-ceiling and wall-to-wall. It's the end of the Mall. Through the wall, I can see the valley in which I'd previously ridden. From where I'm standing, facing Northwest, it curves away toward the North. It's being excavated by huge equipment in preparation to extend the Mall. It's silent in a way that can't be described in words. That's where the dream ends.

I can remember the Mall as clearly as I can remember places that I've been in the real world. The place gives me an indescribably eerie feeling. I don't know if I'll ever visit there again, but I get chills just thinking about it. ¶

Letter to the Editor

I think your May 2009 issue is one of your best, ever. —Richard; San Francisco, California

Old Soldiers

Sam Aurelius Milam III

I keep seeing warnings about how quickly the recordings on videocassettes fade away. I noticed right away that most of those warnings were coming from people who were profiting from DVDs. I became suspicious, so I dug out my old recording of *The Muppet Movie*. It's the first videocassette that I ever bought, way back when the things first became available, probably sometime around the middle 70s. That makes it over 30 years old. The first wife didn't manage to get her hands on it during the divorce

so it's travelled around with me for all of these years. I put it in my VCR, mashed the Play Button, and sat back to watch. The movie looked as good as it did the first time that I ever played it. So, I think that the folderol about fading recordings on videocassettes is another marketing scam. Keep your old videocassettes. They don't die. They don't even fade away. ¶

How to Have Some Fun

Original Source Unknown. Forwarded by Jan, of Sulphur, Louisiana.

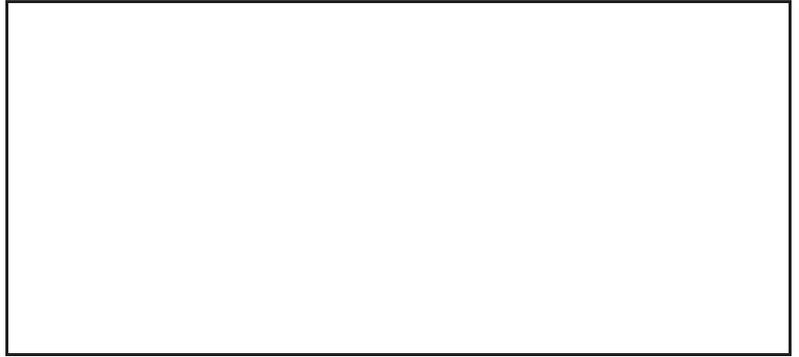
- In the memo field of all of your checks, write 'For Marijuana'.
- Put decaf in the coffee maker for three weeks. After everyone has gotten over the caffeine addictions, switch to espresso. ∞

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Nation in Distress

Suppose you were an idiot. And suppose you were a member of Congress. But then I repeat myself. —Mark Twain



Acknowledgments

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Court Quotes

From *Humor in the Court* and *More Humor in the Court*, by Mary Louise Gilman, editor of the *National Shorthand Reporter*. Forwarded by Don G.

Judge: Well, Sir, I have reviewed this case and I've decided to give your wife \$775 a week.

Husband: That's fair, your honor. I'll try to send her a few bucks myself. ∞

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Definitions

Original Source Unknown. Forwarded by Don G.

Rubberneck: what you do to relax your wife

Seamstress: describes 250 pounds in a size six
Selfish: what the owner of a seafood store does

Subdued: like, a guy who, like, works on one of those, like, submarines, man, like wow, can you get behind it?

Sudafed: brought litigation against a government official ∞

Another Description of Stupidity

Original Source Unknown. Forwarded by Don G.

• one burger short of a Happy Meal ∞

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—Sam Aurelius Milam III, editor

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