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# Frontiersman

March 1995

*A government that rules by violence cannot legitimately condemn violent opposition.*

## Criminal Procedure

by Sam Aurelius Milam III

Those who make peaceful revolution impossible will make violent revolution inevitable.

—John F. Kennedy

### § 2384. Seditious conspiracy

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both. —18 USCS §2384, as amended



### § 2385. Advocating overthrow of Government

Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government; or

Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or

Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof—

Shall be fined under this title or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

If two or more persons conspire to commit any offense named in this section, each shall be fined under this title or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

As used in this section, the terms "organizes" and "organize", with respect to any society, group, or assembly of persons, include the recruiting of new members, the forming of new units, and the regrouping or expansion of existing clubs, classes, and other units of such society, group, or assembly of persons. —18 USCS §2385, as amended

There are several important facets of this law. One is that force is contradistinguished from violence; both are separately prohibited. Thus, within the United States Code, force does not equal violence. What, then, is force?

Some of the meanings of *force* are:

**force** . . . *n.* . . . **3.a.** Intellectual power or vigor, especially as conveyed in writing or speech. **b.** Moral strength. **c.** A capacity for affecting the mind or behavior. . . . **4.a.** A body of persons or other resources organized or available for a certain purpose. . . . **b.** A person or group capable of influential action. . . . **5.a.** Military strength. **b.** The entire military strength, as of a nation. **c.** Units of a nation's military personnel, especially those deployed into combat. . . . **6. Law.** Legal validity. . . . *tr.v.* . . . **1.** To compel through pressure or necessity. . . . **2.b.** To move or effect against resistance or inertia. . . . **c.** To inflict or impose relentlessly. . . .  
—from the American Heritage Dictionary of the English Language

These meanings don't seem like the sorts of things that ought to be a crime. Yet other meanings of the word, such as those that deal with force as a concept in physics, mechanics, or baseball, are inapplicable. Still other meanings, in both the American Heritage Dictionary and in Black's Law Dictionary, define force in terms of violence. These meanings aren't the intended meanings in the United States Code. Otherwise force would not have been contradistinguished from violence by being separately prohibited. Still other meanings of force are given in terms of coercion. Yet if this narrow interpretation was intended, then coercion specifically and not force generally would be prohibited. Furthermore, Bouvier's Law Dictionary instructs us that in a law or contract words must be taken, if possible, in their comprehensive and common sense. Some of the mean-

ings previously shown might, therefore, be punishable under the cited sections of the U.S. Code. This unlikely assertion is supported by the current behavior of the U.S. government. A Moslem cleric, Sheik Omar Abdel Rahman, is presently being prosecuted under the seditious conspiracy law for "providing instruction and advice" to people allegedly associated with the World Trade Center bombing.<sup>1</sup> He is not, himself, charged with actual violence. You live in a country where "intellectual power" or "influential action" might be punishable if the authorities don't like the proposed results or to the crowd with which you associate.

**overthrow** . . . . **2.** To bring about the downfall or destruction of, especially by force or concerted action. . . . —from The American Heritage Dictionary

A constitutional convention certainly suggests the intention of doing away with the existing government and is an example of forceful and concerted action. Such a convention could easily be maligned by the authorities as an attempt to overthrow the government. Delegates could then be punished. Even an attempt to amend a state constitution<sup>2</sup> could be punishable. I advocate the termination of the U.S. government and the erection of new government under a new constitution that I have written.<sup>3</sup> Force of one kind or another will be necessary.

**Notice:** I knowingly and willfully advocate, advise, and teach the desirability and propriety of overthrowing or destroying the government of the United States. It is my intention to cause its overthrow or destruction. For that purpose, I print, publish, edit, issue, circulate, or distribute printed matter which advocates, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States.

**Warning:** If you circulate, sell, distribute, or publicly display this newsletter, or organize, help to organize, or attempt to organize any society, group, or assembly of people to study or support the objectives of this newsletter, or if you are or become a member of or affiliate with any such society, group, or assembly of people, you may be at risk.

**assembly** . . . . **2.** A group of persons gathered together for a common reason, as for a legislative, religious, educational, or social purpose. . . .  
**group** . . . . **3.** A number of individuals or things considered together because of similarities: *a small group of supporters across the country.* . . .  
**society** . . . . **2.** An organization or association of persons engaged in a common profession, activity, or interest: *a folklore society; a society of bird watchers.* . . .  
—from the American Heritage Dictionary

A government should be tolerant of any change the people care to discuss. If it's a crime to merely advocate the overthrow of a government, then that government deserves to be overthrown. In the U.S.A. today, the freedoms of assembly, association, and speech are conditional before an arrogant presumption of inviolable government. You're not permitted to oppose the government, but only to plead or struggle for a bigger share of its largess. People don't usually acknowledge this kind of problem until the Gestapo kicks down their door. By then it's too late.

This isn't a game. Today, the U.S. Gestapo is kicking down doors all over the country.<sup>4</sup> When liberty is in peril, the only way to save it is the hard way, and you have a decision to make. You can submit to the masters or you can oppose them. Either way, debate is now under the whip and the ballot has yielded to the bullet.

<sup>1</sup> Facts On File, Volume 53, No. 2753, September 2, 1993

<sup>2</sup> See *Gun owners announce freedom initiative*, Frontiersman, February 1995, page 1

<sup>3</sup> Copy available upon request.

<sup>4</sup> See *Black Helicopter Gun-Ships* on page 2 of this newsletter. Also, sample the cop videos on prime propaganda time television.

## Black Helicopter Gun-Ships

This is an excerpt from a fund-raising letter written by Vincent Miller of the International Society for Individual Liberty, 1800 Market Street, San Francisco, California 94102.

A new wave of outrages by the government against peaceful citizens has convinced me to pull no punches in this letter.

One was a recent ABC Television News report showing a fleet of black helicopter gun-ships flying over Indiana, manned by DEA agents and active duty army troops. They were looking for marijuana plants. Anyone found near them – and they grow wild in much of the US – was arrested, even if they had no connection to the plants.

The ABC report was one of the first public admissions that the government is using our own military forces – not against foreign enemies – but against ordinary US citizens, like you and me.

The military assault against US civilians in Indiana is not an isolated incident. Navy Seals and Army Rangers are now regularly used in drug raids throughout the country. In September, the National Guard permanently stationed troops at 56 housing projects in Puerto Rico. In Anchorage, Alaska last summer, machine gun-armed National Guard troops accompanied state police on door-to-door, warrantless gun sweeps.

According to ABC News, in 1995 the Pentagon will spend \$15 billion for troops, helicopter gun-ships, and weapons to use against American citizens. For the first time since the Civil War, large numbers of military troops are being used as an elite, internal police force. All of us are at risk. . . .

Under the new anti-crime law, HR-3355, President Clinton can send in BATF, DEA and FBI agents with military support to take over any "State or part of a State" he unilaterally declares a "violent crime or drug emergency area."

Once sent in, these agents can confiscate anyone's home, car or business, based solely upon their suspicion of the most minor illegal activity. You can forget about trials or hearings. None are required to confiscate your property or hold you without trial for up to six months.

And the new confiscation squads have every incentive to steal as much as possible. Section 180102 of the crime law says they can keep what they seize for their "agency." There is no outside oversight.

If you think this could never happen in America, think again. It's already happening hundreds of times a day. One friend of mine was driving his cleaning lady back from a bus stop in San Diego when he was stopped at a police roadblock. Because she looked Hispanic, the INS claimed she could be an illegal alien. They confiscated my friend's car on the spot. He never got so much as a hearing, and the INS kept his car.

Another acquaintance, Midge Durling, lives about 20 miles away in Petaluma, California. Based upon alleged illegal activity of her mother, police seized Midge's home, and the homes of her two adult children living in a different state. Midge didn't live with her mother or know anything about her alleged illegal activity. The police didn't care. A vague suspicion was all they needed to seize everything Midge and her adult children owned, without trial.

## Buck Hunter Shoots Off His Mouth

Dear Buck

My boyfriend says he has the ear of a skilled musician. How can I be sure?

—Want to Believe Him

Dear Want to Believe Him

Ask the musician.

Your danger of becoming a confiscation victim is about to go up 100-fold. The BATF-DEA-FBI confiscation squads called for by the new crime law are now being trained at our military bases. The government says they're being trained in "urban pacification." I call it wholesale looting. . . .

Why haven't you heard more about use of the military against US citizens, police confiscations, and other government outrages? A major reason is the cowardly silence of our increasingly government-managed news media.

Government news management was blatantly apparent during the Gulf War and the invasion of Panama. Reporters were herded into tightly-controlled press pools. The only news they were allowed to report came from official Pentagon press releases and carefully-orchestrated news conferences. Disturbing pictures, like scenes of injured American soldiers or dead Iraqi civilians, were banned. Reporters regarded as unsympathetic to the military were simply excluded.

The few correspondents for the Washington Post, ABC, and other news services that tried to break away from the managed press pools were harassed, delayed, detained, or arrested. Their cameras were seized, often "accidentally" broken. CNN's Peter Arnett was actually threatened with prosecution for treason for broadcasting pictures of Iraqi residential areas hit by not-so-smart bombs.

Then came Waco. Machine gun-armed BATF agents told reporters that if they tried to get any closer than two miles from the Branch Davidian compound, they would face "tragic consequences."

Reporters in Waco quickly learned to ask only the right questions. When one reporter asked, "Is this the beginning of martial law in America?," he was immediately arrested and dragged off to jail. (No, this wasn't Moscow or Beijing – it was the U.S. of A.)

And what was the FBI's justification for besieging the Branch Davidians, then shooting and gassing 96 innocent men, women, and children? Their public answer was "suspected firearms violations." That was a conscious lie. Those charges had already been investigated and rejected by Texas courts.

But when Janet Reno promised many more such operations in the near future, she wasn't lying about that. They've already begun.

Last spring and summer, door-to-door gun sweeps without search warrants were conducted in Chicago, Detroit, Cleveland, Anchorage, and other cities. In Chicago, under Operation Clean Sweep, police raided hundreds of low-income apartments. Any guns they found – legal or illegal – were seized. Gun owners were arrested as suspected drug dealers or gang members.

The government seems to be saying that if you have anything to do with guns, you must be a criminal. . . .

[The Vincent Miller letter is 8 pages long. I'll provide a copy of the complete letter upon request.]

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Mao Tse-tung said that political power grows out of the barrel of a gun. Like it or not, he was right. If we want to stay out of chains, we'd better stay well armed. —Sam

**MEXICO** - the acronym for  
Mexican Investment Cooperative

I can think of something that isn't in the Yellow Pages:  
the zip codes. —Frontiersman

# Social Contract: The Series

## Part 1: The Long and Winding Doctrine

by Sam Aurelius Milam III

Rulers have claimed a variety of justifications for their authority. Some have claimed it as a matter of Divine Right. Some have professed an inherent superiority over their subjects, and a consequent authority. Others have suggested that leadership is a duty, done for the good of those from whom they exacted obedience. In recent centuries, rulers have begun to claim that their powers are given willingly by the people, and that they rule in the people's name. This claim is based on the idea that all political power derives from the people, and that governments exercise only powers delegated to them by the people.

Men have been struggling toward an understanding of this doctrine for quite some time. Over 2200 years ago, Aristotle observed in *Politics*, (Book 3, Chapter 14) that "... kings rule according to law over voluntary subjects, but tyrants over involuntary; and the one are guarded by their fellow-citizens, the others are guarded against them."

The 17th-century English philosopher Thomas Hobbes (1588-1679) gave considerable thought to the doctrine.

"... According to Hobbes, men lived originally in a state of nature and enjoyed the right to act as they chose without interference from any source. As this condition of anarchy made life insecure and enabled the strong to dominate the weak, men entered into a compact or contract whereby they submitted voluntarily to necessary limitations on their freedom of action in order to secure the benefits of organized social existence; specifically, they surrendered their right to act as they chose to a sovereign to whom they owed obedience but who was under no obligation to his subjects..." —from the Funk & Wagnalls article *Social Contract*

Hobbes made in his statement of the doctrine an arbitrary and incorrect distinction between "the strong" and "the sovereign." Indeed, the sovereign in Hobbes' philosophy was nothing more than the most successful of the strong.

Hobbes believed government to have originated by the voluntary actions of men, but viewed opposition to government as treason.

"... Hobbes' theory contained contradictory elements. In positing a social contract as the origin of human society, he synthesized ideas advanced in the latter part of the 16th century and in the 17th century by various Protestant philosophers and writers who sought a democratic doctrine to oppose the authoritarian theory of the divine right of kings. In postulating an absolute sovereign, however, Hobbes included in his theory the central conception against which the doctrines of his predecessors were directed. In effect, Hobbes' theory was an attempt to adapt democratic ideas to conservative political doctrines; in accordance with his theoretical views, he regarded opposition to the government as a species of treason." —from the Funk & Wagnalls article *Social Contract*

Since the contract according to Hobbes was irrevocable, those men who entered into it gained nothing. They remained weak, and under the domination of the strong. What they lost was their right to oppose the strong.

The authors of the Mayflower Compact (1620) appear to have considered King James to have been unconditionally sovereign.

"We whose names are underwritten, the loyal subjects of our dread Sovereign Lord King James, by the Grace of God of Great Britain, France, and Ireland King, Defender of the Faith, etc... In witness whereof we have hereunder subscribed our names at Cape Cod, the 11th of November, in the year of the reign of our Sovereign Lord King James..." —from The Mayflower Compact, November 11, 1620

A different view was expressed by John Locke (1632-1704), in the latter part of the 17th century. Locke advocated not only that governments operated with powers that were voluntarily delegated, but that government could exercise only those powers. He advocated the sovereignty of the people.

"... He made a notable presentation of the theory that in constituting social groups men sought a means of preserving life, liberty, and property; and that the powers they had delegated to government were limited to the achievement of those ends. According to Locke, sovereignty rested in the people..." —from the Funk & Wagnalls article *Social Contract*

Locke also believed that the rights of men were superior to the powers of government, and that opposition to government was a right of the people.

"... In his views on government Locke believed with Hobbes that government is the result of an original contract. Right existed before the foundation of society, which is a means to the better enjoyment of natural rights. Locke distinguishes in government the three functions of legislation, execution, and adjudication. Of these the legislative function is supreme, but even over this stands the sovereign will of the people. When the people enforce their will against the government, there is no rebellion. They are acting within their rights..." —from the Funk & Wagnalls article *Locke, John*

Thus, Locke's view was that government is a tool of the people, to be used or discarded by them as they choose.

In the Declaration of Rights of 1774, the American colonists implied that the sovereignty of a king was predicated upon powers ceded to him by the people.

"... That the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English Constitution, and the several charters or compacts, have the following rights:

*Resolved*, N. C. D. 1. That they are entitled to life, liberty, and property, and they have never ceded to any sovereign power whatever, a right to dispose of either without their consent..."

—from the Declaration of Rights, October 14, 1774  
<emphasis added>

They still didn't properly understand the concept, for if a king is sovereign, then he doesn't rely upon delegated powers. On the other hand, if the people are sovereign, then they do not cede powers to a sovereign king, but to an agent of the people whose job it is to carry out their will.

Less than two years later, the writers of the Declaration of Independence made a better statement of the doctrine.

"... That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it..."

—from the Declaration of Independence, July 4, 1776

These writers understood the confrontation between the rights of the people and the powers of government. One remark particularly reveals their views regarding the Doctrine of Social Contract. This is with regard to the legislative power.

"... He has dissolved representative houses repeatedly, for opposing with manly firmness his invasions on the rights of the people. He has refused for a long time, after such dissolutions, to cause others to be elected; **whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise...**"

—from the Declaration of Independence, July 4, 1776  
<emphasis added>

This is a clear statement of the opinion that the powers of government, when terminated, revert to their origins, that is, to the people.

After the Declaration of Independence, the clear vision of sovereign people was lost. Sovereignty was assigned to the states in the Articles of Confederation.

"Each state retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this Confederation expressly delegated to the United States in Congress assembled."

—The Articles of Confederation, Article 2

In the U.S. Constitution, sovereignty was denied even to the states.

"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**; and the Judges in every State shall be bound thereby, **anything in the Constitution or laws of any State to the contrary notwithstanding.**"

—U.S. Constitution, Article 6, Clause 2  
<emphasis added>

"...and the members of the several State Legislatures, and all executive and judicial officers, **both of the United States and of the several States**, shall be bound by oath or affirmation, to support this Constitution..."

—U.S. Constitution, Article 6, Clause 3  
<emphasis added>

The Fourteenth Amendment to the U.S. Constitution drove the final nail into the coffin of the sovereignty of the people.

"All persons born or naturalized in the United States, **and subject to the jurisdiction thereof**, are citizens of the United States and of the State wherein they reside..." —U.S. Constitution, Fourteenth Amendment  
<emphasis added>

To be subject to the jurisdiction of the United States means to be under its authority and control.

"**Jurisdiction**... The right and power to interpret and apply the law... Authority or control... The extent of authority or control... The territorial range of authority or control..."

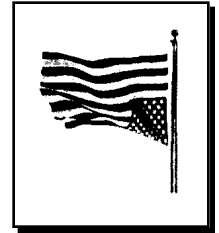
—from The American Heritage Dictionary of the English Language, Third Edition

Since the formation of the U.S. government, the people have had no sovereignty. Instead, sovereignty has been exclusively a tool of central governments. For over two hundred years, the Doctrine of Social Contract has been obstructed by the very authority it was intended to prevent.

Next Month — Part 2: Taking Stock

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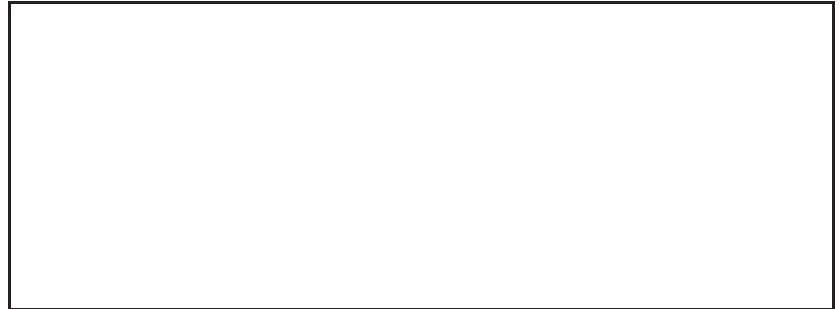


Nation in Distress



*Police Special:*

*It fires both directions at once.*



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#### Dear Frontiersman

I am writing to express some misgivings about the general tone and thrust of this newsletter. It seems to me that the *Frontiersman* spends a lot of time denouncing the government, but gives few clues as to how we should go about improving things. Your super-militant tone suggests that you favor violent revolution. Even if a violent revolution could be morally justified, I think that such a course of action would be doomed to complete failure at this time-- Not only because the government has tremendous firepower, but because the majority of U.S. citizens seem to want safety and comfort more than freedom. Also, history shows that violence begets violence-- a revolution would probably result in the imposition of a new, equally dictatorial government.

If, as I believe, violent revolution is an impractical solution, what other means do you suggest for improving things? If you have no other ideas, then it seems to me that the *Frontiersman* is at best a waste of time, and at worst an unwitting *agent provocateur*. —Don; San Jose, California

#### Dear Frontiersman

Thank you for sending me your February issue. I found it interesting and would like to see your previous issues.

I appreciate your willingness to risk the expense of sending your publication to strangers without any guarantee of compensation in return. These days it seems that most people expect others to pay for their products sight unseen; and most products sold on that basis turn out to be of very little value.

Best of luck in all your endeavors.

—Stephen; Fremont, California

#### Dear Don

People won't risk the perils of dissent unless they understand why things shouldn't be the way they are. This is difficult when they've been taught so much that's wrong. Also, my solutions to the problems might not work for everybody else. I'd prefer that people develop their own solutions. Therefore, I put more emphasis on exposing the problems than on suggesting solutions. Even so, I've printed about 23 articles containing one suggestion or another. I can provide you with a list of those articles if you'd like to review them. You, of course, are also free to submit for publication your own suggested remedies. Finally, I'm skeptical when somebody says "history shows" something. What it shows often depends on the viewer's agenda. Sometimes, as you suggest, violence begets violence. On the other hand, people have sometimes endured violence without returning violence. However, I do believe that submission always begets servitude. If the choice is between violent resistance and slavery, and I believe that today it is, then I'll choose violent resistance. —Sam

#### Dear Readers

Here's a letter that might be useful to you someday. I found it in my collection of "stuff". Just fill in your name, the date, and so forth. —Sam

*Dear Sir*

*In response to your recent inquiries, I must regretfully inform you that I cannot answer all of your questions. Indeed, I cannot answer any of them. The answers I might give only serve to raise a whole new set of questions, whereby I am more confused than ever. However, I feel that I am now confused on a higher plane and about more important subject matter. Thank you for your inquiries, and if I may be of further service, please do not hesitate to call on me.*