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Frontiersman

Caveat Lector

October 1996



Criminal Proceedings

Sam Aurelius Milam III

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.Sixth Amendment
.....U.S. Constitution

Like most of the first ten amendments, the sixth one is filled with flaws. The "protections" provided by this amendment are acknowledged only for criminal cases, yet severe punishments can be imposed for offenses that are not criminal offenses. If the trial is to

be "speedy", then the accused should have a right to be informed of the nature and cause of the accusation **prior to the start** of the trial. The amendment makes no provision for this. The amendment doesn't provide for a jury of peers of the accused, as is often assumed.

"The conclusion which I am warranted in drawing from these observations is that a mere demarcation on parchment of the constitutional limits of the several departments is not a sufficient guard against those encroachments which lead to a tyrannical concentration of all the powers of government in the same hands."

The Federalist Papers, No.48: Madison

It provides for a jury "of the State and district wherein the crime shall have been committed". This suggests that the jury shall be an instrumentality of the local government which, indeed, it is.¹ The impartiality of the jury is controlled by judges and lawyers who are licensed agents of the state government. In an era when state and local government are among the primary enemies of the people, such an arrangement is repugnant to liberty. Witnesses are often coerced and evidence is often falsified by the authorities.²

¹ See my article *Bring In the Jury*, in the November 1995 issue of this newsletter.

² See *Our Government's Dirty Little Secret*, by John H. Webster, in the February 1996 issue of this newsletter.

Saddam, an Ally?

Sam Aurelius Milam III

The U.S military force currently dedicated to the opposition⁴ of Saddam Hussein is costing the US government over \$770,000,000 per day, more than \$40,000,000,000 per year.⁵ Do you suppose it's costing Saddam that much to have the force there? I doubt it. Each cruise missile costs the US about \$1,000,000. Do you suppose it costs Saddam that much to repair the damage caused by a

⁴ This doesn't include covert opposition.

⁵ NBC Nightly News with Tom Brokaw, Target: Iraq — Price of War, Fred Francis, Wednesday, September 11, 1996

Laws are so complex that few defendants are capable of successfully "confronting" even honest witnesses. They must rely instead upon expensive lawyers or ineffective public defenders. The accused is guaranteed the right to assistance of counsel for his defense. However, he isn't guaranteed the right to counsel of his choice, but only the right to counsel. The government exercises great authority over this choice by restricting it to licensed attorneys whose primary duty is to the court (that is, to the government) rather than to the accused.³

Today, all activities are pretty much assignable to one of two possible categories: required or prohibited. Crimes are defined by crusading puritans and bleeding-heart reformers. Anything that is offensive to any faction (politically incorrect) becomes a crime. Judges are "tough on crime", the agenda being not justice but control. In such an environment, this amendment is something of a farce.

The failure of the Sixth Amendment is partly due to the limited scope of the amendment. However, it's mostly due to the stupidity of the people. For example, because the amendment acknowledges protections only for criminal cases, people claim those protections only in criminal cases. However, the failure of the amendment to acknowledge certain rights doesn't operate to destroy those rights. Indeed, such failure to acknowledge rights has, in and of itself, no effect upon the rights at all. If U.S. citizens want (for example) the right to trial by jury in civil cases, they can have it by insisting upon it, consistently and en masse. Recourse to constitutional authority is neither necessary nor desirable. Rights are not created by the Bill of Rights. They are acknowledged by it. They exist only if people insist upon them.

³ 7 C.J.S. Attorney & Client § 4

cruise missile? I doubt it. I'd guess that the longer Saddam can command a US military presence, the more damage he will eventually do to the US government and its agenda. He's a good example of the not-so-old saying, "When you can't win, lose effectively."⁶ I suppose that Saddam is my ally by virtue of diverting US government resources that might otherwise have been used for things that I oppose, like the war on drugs or the suppression of the Internet. Politics does indeed make strange bedfellows.⁷

⁶ October 1, 1992, Milam's Notes

⁷ Charles Dudley Warner [1829-1900]

Holocaust?

Sam Aurelius Milam III

Some people have claimed that the Holocaust didn't happen. Both factions in this debate make interesting arguments and each faction claims that the evidence used by the other is phoney. Did the Holocaust happen? I don't know. There seems to be a lot of evidence that it did. However, there are some interesting points to ponder.

The U.S. government adamantly professes that the Holocaust happened. Maybe the Holocaust happened. However, it seems that everything else the U.S. government has ever told me was a lie. Why would the U.S. government lie about everything else and then be honest about the Holocaust? The question doesn't prove that the Holocaust is a lie, but it does make me wonder.

Consider also that the Holocaust provides really neat justification for everything that the Allies did to the Germans, and there are people who claim that a lot of it was unnecessary. Of course, the Allies would have done those things anyway, since convincing evidence of the Holocaust wasn't discovered until after the fact, when the Allies were in exclusive control of the landscape. I hasten to admit that the opportunity for the Allies to fabricate evidence doesn't necessarily mean that they did so.

Finally, consider the behavior of Jews and of Germans around the world today. I see Jews (for example) launching armed military attacks against civilian communities in southern Lebanon for no better reason than suspected terrorist camps. I think that a **suspected** terrorist presence is a damned lame excuse for murdering **civilians**. I see Jews engaged in a fierce and relentless program of extermination against anything or anyone that seems even allegedly Nazi. Maybe they have a legitimate grievance, but their intolerance of rights, for Nazis only, seems as brutal as the alleged intolerance of Jews by Germans 50 years ago. I haven't noticed any such systematic hatred or aggression among Germans lately. Maybe my perceptions are in error, or maybe not. In the light of these admittedly tentative perceptions, consider the heritage of these two groups of people. Germanic peoples have been presented as warlike, all the way back to the decline of the Roman Empire. Jews have been presented as victims, all the way back to the days of the Pharaohs. Could both of these groups of people have changed their fundamental nature so profoundly in only 50 years, so that now (after centuries of opposite performance) suddenly the Germans are peaceful and the Jews are vicious? I can't help but wonder if the Germans (who lost the war) and the

Jews (who didn't) have both had their past misrepresented by the victors. Maybe not. It doesn't seem likely that such a huge misrepresentation could actually be accomplished. On the other hand, people have gotten away with some pretty big lies. History is often rewritten by the victors.

holocaust.... USAGE NOTE. When referring to the massive destruction of human beings by other human beings, *holocaust* has a secure place in the language. Fully 99 percent of the Usage Panel accepts the use of *holocaust* in the phrase *nuclear holocaust*. Sixty percent accepts the sentence *As many as two million people may have died in the holocaust that followed the Khmer Rouge takeover in Cambodia*. But because of its associations with genocide,¹ extended applications of *holocaust* may not always be received with equanimity. When the word is used to refer to death brought about by natural causes, the percentage of the Panel's acceptance drops sharply. Only 31 percent of the Panel accepts the sentence *In East Africa five years of drought have brought about a holocaust in which millions have died*. Just 11 percent approved the use of *holocaust* to summarize the effects of the AIDS epidemic. This suggests that other figurative usages such as *the huge losses in the Savings and Loan holocaust* may be viewed as overblown or in poor taste.

WORD HISTORY. Totality of destruction has been central to the meaning of *holocaust* since it first appeared in Middle English in the 14th century and referred to the biblical sacrifice in which a male animal was wholly burnt on the altar in worship of God. *Holocaust* comes from Greek *holokauston* ("that which is completely burnt"), which was a translation of Hebrew *ôlâ* (literally "that which goes up," that is, in smoke). In this sense of "burnt sacrifice," *holocaust* is still used in some versions of the Bible. In the 17th century the meaning of *holocaust* broadened to "something totally consumed by fire," and the word eventually was applied to fires of extreme destructiveness. In the 20th century *holocaust* has taken on a variety of figurative meanings, summarizing the effects of war, rioting, storms, epidemic diseases, and even economic failures. Most of these usages arose after World War II, but it is unclear whether they permitted or resulted from the use of *holocaust* in reference to the mass murder of European Jews and others by the Nazis. This application of the word occurred as early as 1942, but the phrase *the Holocaust* did not become established until the late 1950's. Here it parallels and may have been influenced by another Hebrew word, *sho'ah* ("catastrophe"). In the Bible *sho'ah* has a range of meanings including "personal ruin or devastation" and "a wasteland or desert." *Sho'ah* was first used to refer to the Nazi slaughter of Jews in 1939, but its phrase *hasho'ah* ("the catastrophe") only became established after World War II. *Holocaust* has also been used to translate *hurban* ("destruction"), another Hebrew word used to summarize the genocide of Jews by the Nazis. This sense of *holocaust* has since broadened to include the mass slaughter of other peoples, but when capitalized it refers specifically to the destruction of Jews and other Europeans by the Nazis and may also encompass the Nazi persecution of Jews that preceded the outbreak of the war. American Heritage Dictionary of the English Language

¹ See my article *Word Abuse* in the April 1995 issue of this newsletter..... editor

Anarchism and Social Structures

Don J. Cormier

To the extent that anarchists describe what a future anarchist society might be like, they generally say that anything would be permitted which did not harm another human being (or sometimes, another sentient life form.) Most people find this bare proposition extremely frightening in it's implications. The historical evidence of aggression leads non-anarchists to suspect that an anarchist situation would inevitably become chaotic and violent.

Theoreticians of anarchist society are frequently loath to recognize the possible need for protection or punishment. To the extent that they do, they vaguely recommend ostracism, exile, or physical punishment by nongovernmental entities. This all implies, if not a written code of law, at least a code of customary behavior. It is difficult to see how any group of people having the right to use violence for punishment and protection would differ in any essential way from a conventional government.

Some of the left-wing anarchists have, in a very vague way, sketched out what might happen when government is cleared away and when the anarchist millennium arrives. Some of them, the anarcho-syndicalists, see society divided up according to job-category or industry. Each person would belong to a sort of union — except that the “union” would also be the employer, because the union would manage the industries, as well as represent the worker's interests. In theory, the democratic structure of the union would ensure that the wishes of the majority of the members were respected. Another safeguard would be the fact that the workers would share in the profits of their enterprise — that they would be, in a sense, part-owners.

The anarcho-syndicalists are quite vague when it comes to the problem of dispute resolution. It is assumed that a vastly improved economic arrangement will eliminate most causes of conflict. It is further assumed that internal courts or arbitration procedures will resolve most disputes. However, this implies that the unions or syndicates will have access to means of unilateral enforcement. If punishment power is vested — as it would seem to be — in the decisions of the syndicate, then the syndicates would be, in effect, a new type of government. While this system might be an improvement in over what we have now, it would not truly be a “no-government” situation.

The right-wing anarchists envision hired militias that would enforce previously agreed upon contracts, or which would extract payment for injuries. The potential for abuse in such a situation should be obvious. Those “protective” services could easily degenerate into protection racket/murder-for-hire gangs, unless careful steps were taken to ensure checks and balances in society.

Because they are still merely theoretical, the structures of a future anarchist society can easily be modified. However, clear thinking is a necessity. Anarchists must first realize that the abolition of overt, traditional governments is not necessarily the abolition of the government principle. ∞

Pa Farmer and the Stranger

as retold by Sam Aurelius Milam III

One day, while Pa Farmer was out by the road inspecting his front fence, a fancy-dressed young stranger came walking down the road. When this young fellow drew even with Pa Farmer, he hesitated uncertainly, then stopped and spoke.

“Howdy, farmer! Nice day!”

“Yup,” said Pa Farmer.

“This here your land?”

“Yup,” said Pa Farmer.

“Well,” commented the stranger, “It sure is a mighty fine looking piece of land!”

“Well, sonny,” said Pa Farmer, relaxing a bit, “You're sure smack dab right about that.”

“I guess you paid a pretty penny for a fine farm like this,” ventured the stranger.

“Nope,” replied Pa Farmer, “My Pappy give it ta me.”

“Well, then,” continued the stranger, “I guess he's the one that paid the pretty penny for it.”

“Nope! My Granpappy give it ta my Pappy.”

“Well, I guess when your grandfather first bought it, land was a lot cheaper than it is now.”

“My Granpappy didn't buy it. My Greatgranpappy give it ta 'im!” said Pa Farmer, starting to lose his patience.

“My word!” exclaimed the stranger. “I didn't know they were selling land here that long ago!”

“They wasn't, ya blamed whippersnapper!” snapped Pa Farmer. “My Greatgranpappy fought the dad-blamed Injuns fer this here piece 'o land, an' he took it plumb away from tha varmints, fair 'n square!”

“Ahhh,” said the stranger, with a satisfied gleam in his eye. “In that case, my good man, I intend to fight you for it, and take it away from you, fair 'n square.”..... 🦅

You can trace the history of every piece of land back to the guy who stole it.Harlan Ray Putnam
.....Department of Economics, Texas A&M University

All ownership ultimately relies on force. The only reliable test for ownership is possession or control.....
.....November 12, 1994, Milam's Notes

Letter to the Editor

Dear Aurelius

I'm interested in resistance against our insane government — any resistance at all is hard to find. I'd be interested in writing for *Frontiersman*, if you'll send me a sample issue. Elliot; N. Merrick, New York

Acknowledgments

- My thanks to Sir Donald the Elusive for paying the production costs of this newsletter.
- My thanks to Mars, of Silicon Valley, for procuring, repairing, and maintaining the Mere Keep copier. editor

Frontiersman
435 South White Road
San Jose, California 95127
Produced at Mere Keep



Nation in Distress

Drug prohibition is far more evil than drug abuse. Drug abuse might harm a few people, but drug prohibition harms everyone. Instead of a war on drugs, I propose a war on repressive government.



On the Road with Buffalo Hunter

Buff recently reported to us a conversation that he had while visiting a friend (let's call him Bob) on the East coast a while back. When Buff arrived, Bob wasn't home from work yet. Perforce, Buff was entertained by Bob's wife, Hillary. While Buff sat balancing a cup of hot tea on a saucer, the son (Billy) retired to the back yard. As soon as Billy was out of earshot, Hillary leaned toward Buff confidentially and said, "You wouldn't believe how stupid he can be! He's just like his father!"

Buff was a bit uncomfortable at this turn in the conversation, but always the epitome of tact, he merely nodded.

"Let me show you!" she said. Reaching into her purse, she called Billy back into the room.

When Billy arrived, Hillary held out her hand toward him. In her hand she had placed a nickel and a dime.

"Here, Billy," she said smiling sweetly, "you can have whichever one you want, but not both!"

"Want tha big one!" he said, grabbing the nickel.

"See?" she commented after Billy was gone. "Seven years old, and he still hasn't figured out that a dime is worth more than a nickel."

After Bob arrived, he and Hillary began setting up for dinner. Buff was alone with Billy for a while.

"I hope," confided Billy glancing carefully toward the kitchen "that you weren't taken in by that deal with the nickel and the dime."

"Well," said Buff, "I did wonder why you took the nickel."

"It's a trick that Dad taught me," said Billy, "The first time I take the dime, she's gonna stop giving me nickels every time we have company!"

Buck Hunter Shoots Off His Mouth

Dear Buck

What's the best way for a wife to keep her husband happy after the "honeymoon" is over?

Dear New Bride

She should learn how and when to keep her mouth shut.

Frontiersman

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—Sam Aurelius Milam III, editor