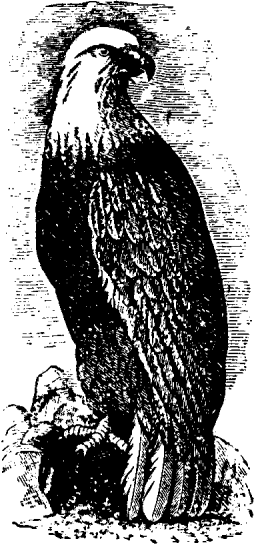


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# Frontiersman

The Truth Is Within You  
August 1997



## Enemies of Freedom

Don J. Cormier

We have met the enemy, and he is us.  
—Walt Kelly, 1972

All around the world, the United States poses as the champion of freedom. “Freedom” is a thing which the citizens of the United States have been taught to love, and this love translates into a willingness to fight or die when the United States government declares that freedom is threatened by tyranny. However, in the last few years, the United States government has taken away many freedoms from people living within its borders. Surprisingly, most Americans have willingly cooperated with these “take aways”. What is the explanation for this compliance?

There are four basic reasons.

First, “freedom” is a buzzword for many people. The government schools teach that freedom is important, but they don’t clearly teach what it is. Many people believe that some mysterious thing called “freedom” is good, but since they can’t quite define it, they don’t notice when they are losing it.

## News

### Court: No Right to Assisted Suicide

WASHINGTON (AP) - The Supreme Court has unanimously ruled that terminally ill people do not have a constitutional right to doctor-assisted suicide. The court upheld laws in New York and Washington state that make it a crime for doctors to give life-ending drugs to mentally competent but terminally ill patients who no longer want to live. Lower courts had overturned the statutes.

—AP NewsBrief by MARCO LEAVITT, Tuesday, July 1, 1997

### British Handguns Surrender Begins

LONDON (AP) - British handgun owners face a three-month deadline to surrender their weapons, after which ownership of all but the smallest caliber weapons will be illegal. Under a new ban, owners have until the end of September to turn in their handguns at police stations. After that, anyone caught with a handgun larger than a .22-caliber faces up to 10 years in prison. Police around the country have hired extra staff to help organize the surrender of the 160,000 handguns presently legally owned by licensed gun club members.

—AP NewsBrief by MARCO LEAVITT, Tuesday, July 1, 1997

Second, to the extent that they understand freedom, most people consider it a secondary or tertiary value, well behind survival and comfort. When the government declares that internal or external security demands sacrificing freedom, this seems like a reasonable assertion to people with this mentality.

Third, many people consider freedom to be a means rather than an end. They see freedom as a tool to achieve happiness, not as something valuable in itself. If a loss of freedom does not effect their happiness, they never notice the loss.

Fourth, many people want freedom for themselves, but don’t want to allow others to be free, because they don’t trust others. If the government declares that certain people with criminal tendencies need to be repressed, or that certain people need to be controlled for their own good, these assertions seem perfectly credible and rational to these people. They fail to realize that tolerating tyranny for others eventually kills all freedom.

It can be seen, in summary, that confusion, cowardice, and contentment are the great enemies of freedom. Since these attributes are common in modern America, freedom is eroding. ∞

### Sex Criminals May Be Kept Locked Up

WASHINGTON (AP) - States can keep certain violent sexual predators locked up after they serve their sentences even if they are not mentally ill. The Supreme Court, ruling 5-4 in the case of an admitted pedophile from Kansas, said such convicts can be held over if they are considered mentally abnormal and likely to commit new crimes. The court said this confinement to protect society does not violate the right to due process and it is not double punishment for the same crime.

—AP NewsBrief by MARCO LEAVITT, Tuesday, June 24, 1997

### NATO-Led Troops Seize Serbs

SARAJEVO, Bosnia-Herzegovina (AP) - NATO forces targeted Bosnian Serb war crimes suspects in a raid today, killing a former police chief wanted on genocide charges and seizing three other suspects. British troops captured the men in the northwestern town of Prijedor. One British soldier was shot in the leg, but not seriously injured. U.S. soldiers did not directly participate in the raid.

—AP NewsBrief by PETE BRUSH, Thursday, July 10, 1997

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# The Very Definition of Tyranny

Sam Aurelius Milam III

During the debate over the adoption of the U.S. Constitution, much thought was given to the problem of limiting the powers of government.<sup>1</sup> The separation of powers embodied in the Constitution was proclaimed by the Federalists as a necessary part of the best available solution. The Constitution also created an interdependence of the separate branches of government which was intended to prevent any one branch from dominating any other. The Federalists asserted that the exclusive exercise of legislative, executive, and judicial powers by different branches of government which were nevertheless dependent upon one another for the exercise of those powers would cause the powers of the government to be inherently self-limiting.<sup>2</sup>

Article 1, Section 1 of the U.S. Constitution established two important properties of the U.S. government. The first is that **only** the Congress was given legislative powers. The second is that the Congress consists **only** of the Senate and the House of Representatives. Although the Congress has a very general power to pass any necessary and proper law,<sup>3</sup> it cannot reassign legislative powers in violation of Article 1, Section 1. No such law, however necessary it might seem, would be a proper law. The only power Congress is authorized to delegate is with regard to the appointment of lower level public officers.<sup>4</sup> Powers not specifically given to the Congress are generally forbidden by the Tenth Amendment. Since the Constitution gave legislative powers **only** to the Congress, since the Congress consists of **only** the Senate and the House of Representatives, and since the Congress **doesn't** have the power to create other bodies with legislative powers, it follows that no other institution can have legislative powers.

Article 2, Section 1, Clause 1 of the U.S. Constitution specified that only the President has the power to enforce laws. This delegation of power was broadened somewhat by Article 2, Section 3. That the President can delegate his enforcement power within the executive branch of government is generally accepted. However, he cannot delegate it outside of the executive branch, which is the only branch endowed with executive powers.

executive .... As distinguished from the legislative and judicial departments (i.e. branches) of government, the executive department (sic) is that which is charged with the detail of carrying the laws into effect and securing their due observance....

—Black's Law Dictionary, Fifth Edition

As I browsed through Black's Law Dictionary exploring the various meanings of the word *court*, I couldn't help but notice the scarcity of references to the U.S.

<sup>1</sup> See the Federalist Papers, Numbers 47 through 51.

<sup>2</sup> the Federalist Papers, Number 51: Madison

<sup>3</sup> Article 1, Section 8, Clause 18

<sup>4</sup> Article 2, Section 2, Clause 2

Constitution and the abundance of references to English and ancient English jurisprudence and judicial practice. The U.S. court system did not, as we usually presume, begin in 1789. It had already developed through an unbroken evolution from those English sources, altered by the slow accumulation of occasional change. The writers of the Constitution did not establish a new court system, but created a judicial branch of government which embraced the system that already existed. However, they did attempt to divest the existing system of any executive or legislative functions. Accordingly, a constitutional court system under the judicial branch of the U.S. government will exercise only judicial powers.

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Although the executive branch of government is forbidden the exercise of legislative and judicial powers, such powers are widely exercised by it. The exercise of legislative powers is widely published throughout the land, and is openly acknowledged. Black's Law Dictionary provides ample documentation.

Executive order.... An order or regulation issued by the President or some administrative authority under his direction.... To have the effect of law, such orders must be published in the Federal Register.

Federal Register.... An important function of the Federal Register is that it includes proposed changes (rules, regulations, standards, etc.) of governmental agencies.... Such regulations and rules as finally approved appear thereafter in the Code of Federal Regulations.

Code of Federal Regulations.... The Code of Federal Regulations (CFR) is the annual cumulation of executive agency regulations published in the daily Federal Register, combined with regulations issued previously that are still in effect.... The CFR contains the general body of regulatory laws....

Regulation.... Regulation is rule or order having force of law issued by executive authority of government....

—Black's Law Dictionary, Fifth Edition

Executive orders and regulations cannot possibly be constitutional, because only the legislative branch can make laws. The very definition of regulations is sufficient to render them void.

The executive branch also exercises judicial powers. The Nuclear Regulatory Commission (NRC) is only one of many examples. The NRC initiates its own investigations and accusations, issues its own summonses, conducts its own hearings, and passes judgment in actions to which it is itself a party. The Code of Federal Regulations contains many examples of such powers.

Before instituting any proceeding to impose a civil penalty...the deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support...shall serve a written notice of violation upon the person charged.... The notice of violation shall also advise the person charged that the civil penalty may be paid in the amount specified therein.... The notice of violation shall advise the person charged that upon failure to pay a civil penalty subsequently determined by the Commission...be collected by civil action....

—10CFR2.205 (a) Civil penalties

— continued at the top of page 3 —

The Code of Federal Regulations, a body of unconstitutional executive law, openly acknowledges this unconstitutional judicial aspect of the NRC, and even commands a judicial reverence for it.

In the exercise of their functions under this subpart, the Commission, the Atomic Safety and Licensing Boards, and Administrative Law Judges function in a quasijudicial capacity. Accordingly, parties and their representatives in proceedings subject to this subpart are expected to conduct themselves with honor, dignity, and decorum as they should before a court of law.

—10CFR2.713 (a) Standards of practice

Such accumulation of powers within the executive branch of government cannot possibly be constitutional, regardless of its prevalence, its intent, or its alleged necessity. However necessary it may appear to be, it is more necessary that the executive branch of government comply with its constitutional limits.

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The system of courts which existed in 1789 was well established at that time and retained its ancient prerogatives. It continues to this very day to exercise powers other than judicial ones.

One aspect of the legislative power exercised by the courts is openly acknowledged by Black's Law Dictionary.

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

Case law is the term which is most commonly used. Again, only the legislative branch can make laws.

The courts also exercise an executive power which is tacitly accepted, and which is an unremarked part of many definitions of judicial matters.

Judicial branch .... Branch of state and federal government whose function it is to interpret, construe, apply, and generally **administer and enforce** the laws....

—Black's Law Dictionary  
<emphasis added>

Thus the courts are acknowledged as having an enforcement function even though enforcement is constitutionally restricted to the executive branch.

Executive and legislative powers exercised by the judicial branch of government cannot possibly be constitutional. As we were warned over 200 years ago, such accumulations of power constitute the very definition of tyranny.

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

The Constitution provided for considerable interaction between the branches of government, yet no one branch was expected to exercise the powers of another. This

was utterly denounced, even by the advocates of central government. However, the U.S. government has fallen far short of the ideal anticipated in the Constitution. The executive branch issues thousands of rules and regulations having the force of law, thereby usurping the legislative function. The executive agencies often judge violations, thereby usurping the judicial function. Thus all three powers exist in the hands of the executive branch. The judicial branch usurps the legislative function by creating legislation in the form of "case law" and by issuing court orders in various forms. It usurps the executive function by enforcing those orders. The judicial branch again usurps the legislative function by raising revenue through the imposition of fines and penalties, payable to the government. Thus the judicial branch also wields all three powers. The legislative branch, which was the branch most feared by opponents of the Constitution, seems almost benign by comparison.

According to James Madison, a staunch advocate of the Constitution, the accumulation of legislative, executive, and judicial powers in the same hands may justly be pronounced the very definition of tyranny.

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. Were the federal Constitution, therefore, really chargeable with this accumulation of power, or with a mixture of powers, having a dangerous tendency to such an accumulation, no further arguments would be necessary to inspire a universal reprobation of the system.

—from The Federalist Papers, No. 47: Madison

He conceded that if the Constitution provided a mixture of powers tending toward such an accumulation, then no further arguments would be necessary to inspire a universal reprobation of that Constitution. The results of this essay can inspire in the reader no other conclusion. The U.S. Constitution is the very definition of tyranny, and should be abolished without further delay.

"...no cause is left but the most ancient of all, the one, in fact, that from the beginning of our history has determined the very existence of politics, the cause of freedom versus tyranny." —Hannah Arendt (1906-1975)

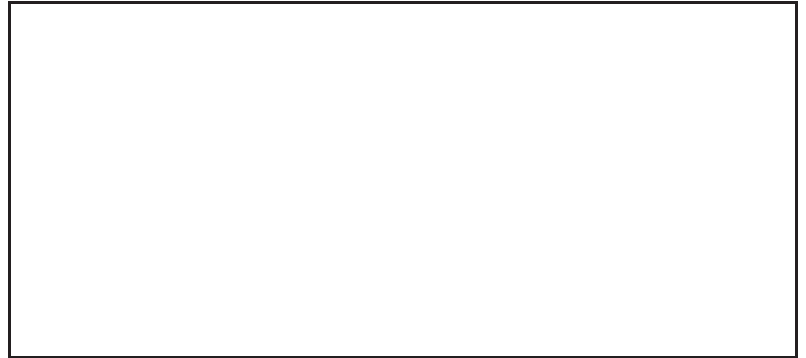
## Acknowledgments

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- My thanks to Sir James the Bold for his ongoing editorial assistance.
- My thanks to Elliot, of N. Merrick, NY, for his recent letter to the editor. That letter is too long to print here, but I appreciate his comments. I'll provide a copy of Elliot's letter upon request. —editor



Nation in Distress

## A fool and his guns are soon parted.



### ⚡ < Net Watcher's News > ⚡

#### Five Reasons Why Computers Must Be Female:

5. Nobody but their creator understands their internal logic.
4. Even your smallest mistakes are immediately committed to memory for future reference.
3. The native language used to communicate with other computers is incomprehensible to everyone else.
2. The message, "Bad command or filename," is about as informative as, "If you don't know why I'm mad at you, then I'm certainly not going to tell you."
1. As soon as you make a commitment to one, you find yourself spending half your paycheck on accessories for it.

—Silicon Valley Bob

#### Buck Hunter Shoots Off His Mouth

Dear Buck

What is perestroika?

—Student

Dear Student

Muscular contractions in the intestine.

#### **Frontiersman**

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#### On the Road with Buffalo Hunter

Buff was leaving the local mall last week and encountered a small group of women soliciting signatures for a petition at a table on the sidewalk. Being the curious sort, Buff stopped to see what they were promoting. They were, it turned out, a bunch of local feminists who were trying to get NASA to agree to put an all-female crew on the first space ship to the sun.

"But," asked Buff in perplexity, "the sun's real hot. What are you gonna do about all that heat?"

"No problem!" enthused the women. "We're just going to have them do it at night!"

#### Sesame Suite

Bernie: What's a Freudian slip?

Burt: Ahh! A serious question, at last! It's when somebody says something that —  
Bernie: Naw! It's what psychiatrists' nurses wear under their dresses.

Burt: Ahhh, Bernie!

Sesame Suite is a production of the Children's Tunnelvision Workshop

courtesy copy of any document or publication in which you reprint my material.

**Submissions** — I solicit letters, articles, and cartoons for the newsletter, but I don't pay for them. Short items are more likely to be printed. I suggest that letters and articles be shorter than 500 words, but that's flexible depending on space available and the content of the piece. I give credit for all items printed unless the author specifies otherwise.

**Payment** — This newsletter isn't for sale. If you care to make a voluntary contribution, you may do so. The continued existence of the newsletter will depend, in part, on such contributions. I accept cash and postage stamps. I don't accept checks, money orders, anything that will smell bad by the time it arrives, or anything that requires me to provide ID or a signature to receive it. In case anybody is curious, I also accept gold, silver, platinum, etc. I'm sure you get the idea.

—Sam Aurelius Milam III, editor