

The Principles of Liberty

by

Sam Aurelius Milam III
c/o 4984 Peach Mountain Drive
Gainesville, Georgia 30507

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caveat lector

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Introduction

*When the Government fears the people, there is liberty.
When the people fear the Government, there is tyranny.
—Thomas Jefferson*

Liberty follows from the operation of certain principles. When those principles are in operation, then liberty exists. When those principles are not in operation, then liberty doesn't exist. A few of the principles are mentioned in the government schools but they are misrepresented as rights. They are not rights. They are principles. When the principles are mentioned at all, students are not given any actual information about them or any actual understanding of them. Thus, seekers of liberty are left to their own resources to discover and to understand the principles of liberty.

Over the years, I've sought to discover and to understand the principles of liberty. I've discovered some of them and acquired an understanding of those that I've discovered. I don't claim to have discovered all of the principles of liberty.

In the next section of this little essay, I've presented those principles of liberty of which I'm aware. In the section after that, I've presented each principle again, followed by some examples.

I encourage you to search for other principles of liberty and to think of other examples of your own, besides those that I've included in this essay.

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Principles

Cause of Action — There isn't a cause of action until there's a victim. Someone cannot legitimately be prosecuted merely for something that he might do. Prosecution cannot legitimately be based on mere speculation. Prosecution legitimately can be based only on actions.

Obligation — There isn't any obligation under duress. If someone is compelled by force or by the threat of force to make an agreement that he didn't want to make, then the agreement isn't binding upon him. If someone is compelled by force or by the threat of force to do something that he didn't want to do, then the consequences of what he did cannot be held against him.

Presumption of Innocence — A person must be presumed innocent. He doesn't have to prove his innocence. His refusal to attempt to prove his innocence cannot be used against him.

Burden of Proof — If someone believes that a person is guilty of something, then the accuser must prove it without the accused person's help. The accuser, not the accused person, must bear the burden of proof. A person doesn't have to do anything or say anything that might help the accuser to prove his guilt.

Self Incrimination — A person doesn't have to provide information that might be used against him. His refusal to provide such information cannot be used against him.

Silence — An accused person doesn't have to provide any information at all. His refusal to provide information cannot be used against him.

Jurisdiction — A jurisdiction doesn't legitimately apply to somebody unless he specifically and voluntarily submits to it. He doesn't have to prove that such a jurisdiction doesn't apply to him. Anyone who claims that a jurisdiction does apply to him must prove that it does. He doesn't have to help. His refusal to help cannot be used against him.

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Principles With Some Examples

Cause of Action — There isn't a cause of action until there's a victim. Someone cannot legitimately be prosecuted merely for something that he might do. Prosecution cannot legitimately be based on mere speculation. Prosecution legitimately can be based only on actions.

Concealed Weapons — A person cannot legitimately be prosecuted merely for possessing a concealed weapon. Possessing a concealed weapon, in and of itself, is harmless. It isn't possible to prove that somebody will ever cause any harm, merely because of possessing a concealed weapon. He might carry the weapon for his entire life and never cause any harm. Prosecution cannot legitimately be based on capabilities or probabilities, but only on actual consequences.

Conspiracies — A person cannot legitimately be prosecuted merely for planning to do something. Merely planning to do something doesn't prove that he will ever actually do it. A conspiracy, in and of itself, is harmless. Conspirators cannot legitimately be prosecuted merely for planning something. Prosecution cannot legitimately be based on mere speculation. Prosecution can legitimately be based only on actions.

Obligation — There isn't any obligation under duress. If someone is compelled by force or by the threat of force to make an agreement that he didn't want to make, then the agreement isn't binding upon him. If someone is compelled by force or by the threat of force to do something that he didn't want to do, then the consequences of what he did cannot be held against him.

Child Support Payments — If a man is compelled by force or by the threat of force to agree to make child support payments, then he doesn't have any obligation to continue making the payments. He cannot legitimately be prosecuted for discontinuing the payments. He's obligated to make the payments only if he agreed to make the payments without duress. By the way, a "shotgun wedding" is an example of duress. A man isn't obligated in any way to a wife if he was compelled by force or by the threat of force to marry her.

Tax Returns — If someone is compelled by force or by the threat of force to file a tax return, then he doesn't have any obligation to file either a truthful return or a complete return. Indeed, he doesn't have any obligation to file any return at all.

Car Insurance — If someone is compelled by force or by the threat of force to buy car insurance then he doesn't have any obligation to comply with any terms or conditions of the insurance, or even to continue paying for it.

Presumption of Innocence — A person must be presumed innocent. He doesn't have to prove his innocence. His refusal to attempt to prove his innocence cannot be used against him.

Paternity Accusations — A man accused of paternity, who denies the accusation, must be presumed to not be the father. He cannot legitimately be required to prove that he isn't the father. He cannot legitimately be required to submit to any test intended to prove that he isn't the father, including DNA testing or lie detector testing. He must be presumed innocent.

Criminal Accusations — Innocence must be presumed. Somebody doesn't have to prove that he's innocent. That includes any form of lie detection, such as drugs, electronic lie detection, or any other method. He doesn't have to swear on a Bible. He must be presumed innocent. He doesn't have to prove it.

The Principles of Liberty

Drug Testing — It must be presumed that a person isn't using illegal drugs. He doesn't have to prove that he isn't using illegal drugs.

Background Checks — A person must be presumed to lack any past behavior that might disqualify him from any present or future activities. That includes such activities as carrying weapons or obtaining jobs. He cannot be required to provide any background information that's intended to prove his innocence of any such disqualifying behavior. He doesn't have to prove his innocence of any such behavior. He must be presumed innocent of any such disqualifying behavior. If you don't want your kids to attend schools that respect the presumption of innocence of their instructors then keep your kids at home and teach them yourself. I don't have to sacrifice my liberty for the sake of your kids.

Burden of Proof — If someone believes that a person is guilty of something, then the accuser must prove it without the accused person's help. The accuser, not the accused person, must bear the burden of proof. A person doesn't have to do anything or say anything that might help the accuser to prove his guilt.

Traffic Violations — If a cop believes that somebody is driving drunk, or without a driver's license, or without car insurance, or without vehicle registration, or in a stolen vehicle then the cop must prove the matter himself. The accuser, not the accused person, must bear the burden of proof. An accused person doesn't have to provide any information that might constitute proof of guilt. Any such accusation must be proven by the accuser. If the cop can't prove the accusation without the accused person's help, then he has to let him go.

DNA Testing — If someone believes that somebody is the source of any particular blood, hair, sperm, etc., then the accuser must prove it without the accused person's help. The accuser, not the accused person, must bear the burden of proof. The accused person doesn't have to submit to any DNA test that might help the accuser to prove that he's the source of something. He doesn't have to provide any information that might constitute proof of guilt. Any such accusation must be proven by the accuser.

Lie Detector Testing — If someone believes that somebody else is lying, then the accuser must prove it without the accused person's help. The accuser, not the accused person, must bear the burden of proof. An accused person doesn't have to take a lie detector test, or submit to any form of chemical behavior control, that might help the accuser to prove that he's lying. Any such accusation must be proven by the accuser, without the help or cooperation of the accused person.

Drug Testing — If someone believes that somebody else is using illegal drugs, then the accuser must prove it without the accused person's help. The accuser, not the accused person, must bear the burden of proof. An accused person doesn't have to take a drug test that might help the accuser to prove that he's using illegal drugs. Any such accusation must be proven by the accuser.

Background Checks — If someone believes that somebody else is guilty of some past behavior that might disqualify him from some present or future activity, then the accuser must prove it without the accused person's help. The accuser, not the accused person, must bear the burden of proof. An accused person doesn't have to submit to a background check that's intended to disqualify him from some particular activity. Any such accusation must be proven by the accuser, without the help of the accused person.

Self Incrimination — A person doesn't have to provide information that might be used against him. His refusal to provide such information cannot be used against him.

DNA Testing — A person doesn't have to take a DNA test that might prove that he's the source of any particular blood, hair, sperm, etc. His refusal to take such a test cannot be used to allege that he is the source of the blood, hair, sperm, etc.

Lie Detector Testing — A person doesn't have to take a lie detector test that might show that he's lying. His refusal to take such a lie detector test cannot be used to allege that he's lying.

Drug Testing — A person doesn't have to take a drug test that might prove that he's using illegal drugs. His refusal to take such a drug test cannot be used to allege that he's using illegal drugs.

Background Checks — A person doesn't have to submit to a background check that might prove that he's disqualified from engaging in some particular activity. His refusal to submit to such a background check cannot be used to allege that he's disqualified from any such activity.

Silence — An accused person doesn't have to provide any information at all. His refusal to provide information cannot be used against him.

DNA Testing — A DNA test reveals information. Therefore, a person doesn't have to submit to any DNA test at all.

Lie Detector Testing — A lie detector test reveals information. Therefore, a person doesn't have to submit to any lie detector test at all.

Drug Testing — A drug test reveals information. Therefore, a person doesn't have to submit to any drug test at all.

Background Checks — A background check reveals information. Therefore, a person doesn't have to submit to any background check at all.

Jurisdiction — A jurisdiction doesn't legitimately apply to somebody unless he specifically and voluntarily submits to it. He doesn't have to prove that such a jurisdiction doesn't apply to him. Anyone who claims that a jurisdiction does apply to him must prove that it does. He doesn't have to help. His refusal to help cannot be used against him.

Citizenship — The Fourteenth Amendment jurisdiction of the United States doesn't apply to a person unless he specifically and voluntarily declares himself to be a citizen of the United States. He doesn't have to prove that he isn't a citizen. Anyone who claims that he is a citizen has to prove it. The non-citizen doesn't have to help. His refusal to help cannot be used against him.

Judicial Jurisdiction — The jurisdiction of a court doesn't apply to a person unless he specifically and voluntarily submits to it. He doesn't have to prove that the jurisdiction doesn't apply to him. The court must prove that it does. He doesn't have to help. His refusal to help cannot be used against him.

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