

# FEDERAL LANDS

"...bringing to the federal land user, helpful information for protecting private rights"

OCTOBER 1994

## WHY THERE IS A NEED FOR THE MILITIA IN AMERICA

### BACKGROUND

"A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear Arms, shall not be infringed." (Second Amendment) 1791

According to Webster's New World Dictionary, the word "militia" means "any army composed of citizens who have volunteered, rather than be conscripted, and who are not professional (paid) soldiers."

The militia in America dates back to the pilgrims, who landed on Plymouth Rock. Of all of the pilgrims who came to America, it was the responsibility of the able bodied men to afford a musket, ball and powder, breast-plate and helmet to don the uniform of the colony in its defense.

But militias in the present day are primarily used for state and local protection. The state constitutions are a treaty, a guarantee of rights, protected as a compact, between the federal and state governments on behalf of the people for their "general welfare"; and knowledge and assurance that their peace and prosperity will be protected. For this reason, every state in the union has a provision for a militia. It is "We the People," who ordain and create the government for our service, not the government that creates people to serve it. Therefore, the importance of militia was recognized by our Founding Fathers as a Constitutional right guaranteed to the citizens of the several states organized as the United States of America, under the constitution, including the Second Amendment, without which, the Constitution would not have been ratified.

Militias generally consist of able bodied male inhabitants of the state between the ages of 18 and 45 years, except such as are exempted by law. The legislature of the state shall provide by law for the organization, equipment and discipline of the militia, which shall conform, as nearly

as practicable to the regulations of the government of the armies of the United States.

In 1916, when World War I was in full bloom, former President Teddy Roosevelt asked President Woodrow Wilson to commission him a general and he volunteered to raise a militia army, just as he did in the Spanish American War and lead it into battle in Europe, as he did in Cuba. Wilson, ever the cold blooded politician, immediately eliminated the militia in the United States, unilaterally, on June 3, 1916, with U.S. Code Title 32. This completely altered the definition of the militia and its service, who controlled it, and what it was. Without knowing or realizing it, U.S. Title 32 VIOLATED EVERY ARTICLE AND SECTION OF THE CONSTITUTION AND THE 2ND AMENDMENT. Title 32 has since been rescinded.

Do not confuse the state militia with the National Guard. The National Guard, although having the Governor as their state commander-in-chief, are still responsible primarily to the national commander-in-chief, President Clinton. The militia is a body of soldiers in a state enrolled for discipline, but not engaged in actual service; except in emergencies. Today the National Guard comprise 44% of all our military personnel.

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### WHAT'S WRONG IN AMERICA

Why would a state need a fully armed and functioning militia? Because, unfortunately, we cannot trust the federal government to look out for our individual freedoms, which are disappearing faster than baby turtles at a seagull convention.

*"...we cannot trust the federal government to look out for our individual freedoms..."*

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We are reasonably sure that most citizens (or perhaps only those who were acquainted with World War II) know what Nazism is. Nazi stands for National Socialism. Did you know that Sarah Brady, the prime mover and benefactor of the "Brady Bill" said before the Congress, "Our task of creating a socialist America can only succeed when those who will resist us have been totally disarmed."

The District of Columbia has a 100% complete ban on firearms ownership. It has zero gun stores! It also has a murder rate of 84.7 per 100,000 people. North Dakota has open firearms ownership for just about anyone; and a murder rate of 0.9 per 100,000 people. That is a difference of over 9,000%. How does a 9,000% difference prove that firearms ownership increases murder? Did Sarah Brady know this?

Who is it that Sarah Brady and her ilk fear so much that they virtually want to disarm ALL of the citizens of the United States so that they might gain control over us?

With the "Crime Bill", the Clinton/Gore Administration has systematically set about to deprive Americans of their freedoms. It is starting with guns! Already there are phone calls (phone banks) from organizations that; "just want to know!" "Do you have a gun in your house?" "What kind of a gun is it?" "Is your gun registered?" "Would you surrender your gun if local authorities asked you too?"

And... then of course there is the Environmental Protection Agency (EPA), which force feeds an already Sumo sized bureaucracy. The American public abounds with a scientific illiteracy malaise which would astound even the most trusting among us.

There is a greater risk of being struck by an errant lavender blue asteroid than there is of dying from most EPA regulated pollutants! Which brings us back to the militia. There are SEVEN (7) SEIZURE EXECUTIVE ORDERS which can be enacted with the stroke of a bureaucratic pen and the nation will be plunged into an absolute dictatorial, martial law mode of repression.

The people are fed up with carte blanche given to the BATF, the DEA, the EPA, the FBI, the USFWS, the CORP, the IRS, the CIA, the USFS, the BLM, the B of R, OSHA and all those federal and state agencies that tend to ignore the rules of common decency and restraint.

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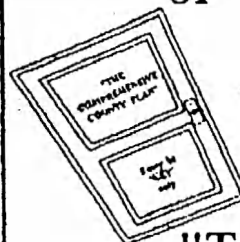
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Our government is, unfortunately, our "big brother", or if you prefer, our parent. What is the responsibility of a parent, or a big brother? In most families, the duty of an older more experienced sibling or parent, is to look after the young and inexperienced. Unfortunately, that is not how our government works. Their tactic of parenting is called, by any fair measure, "child abuse." When you demand, insist, threaten, bully, and punish, you have moved light years away from the protective mode of a parent or "big brother." Could the militia be of help here?

Why, at this point in time, are militias being formed and reactivated at such a rapid rate? One of the reasons is that there are some powerful legislatures that have little,

# WATCH OUT! • MUCHO OJO! • WATCH OUT!

By James Catron, Attorney at Law

## NICCOLO

In the early 1500's, Niccolo Machiavelli, of Florence, Italy, wrote "The Prince" and also the "Discourses," as guides on politics and warfare for the rulers of his city. In Chapter 43 of the Discourses, he wrote, "Wise men say, and most without reason, that whoever wishes to foresee the future must consult the past; for human events ever resemble those of preceding times. This arises from the fact that they are produced by men who have been and ever will be, animated by the same passions, and thus they must necessarily have the same results."

Cold and clear-eyed, Machiavelli knew that human nature does not change from place to place or time to time; that is why his books have been primers for statecraft and Realpolitik for centuries. Over and over again, history has proven him right.

The purported compassion and altruism of socialism has been disproven repeatedly, and most of the globe has turned its back on it. But, the belief that private property makes us unequal still has millions of adherents here in America. These true believers normally do not use the S word (socialist) to describe themselves. They know well that most Americans are too politically illiterate to recognize socialism even as it bites them in the paycheck every Friday in the form of income taxes, FICA, et cetera.

The rise of thousands of American grassroots organizations founded to protect private property has America's

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socialists trembling in their hiking boots. The Wilderness Society, the Sierra Club, Greenpeace, the National Audubon Society, and others of the same ilk, have issued a joint background briefing for their members which urges them to argue that "Under this radical new view of property rights, the average taxpayer would be forced to pay a small number of landowners not to pollute, or not to destroy the public's fish, wildlife, national parks and other resources."

They assault production, calling it pollution. The Fifth Amendment to the U.S. Constitution is neither radical nor new. Every property owner in the country is affected, not just a few. The idea of preventing government from taking the citizen's property is an old one. "Thou shalt not steal."

In Chapter 17 of "The Prince", Machiavelli, calculating and pragmatic, expressed it thus, "Still, a prince should make himself feared in such a way that if he does not gain love, he at any rate avoids hatred; for fear and the absence of hatred may well go together, and will always be attained by one who abstains from interfering with the property of his citizens and subjects or with their women. And when he is obliged to take the life of anyone, let him do so when there is a proper justification and manifest reason for it; but above all he must abstain from taking the property of others, for men forget more easily the death of their father than the loss of their patrimony."

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or no conception of what heavy, misguided oppression is being foisted upon all the States. Even western Senators and congressmen/women, who should know better, support the liberal eastern establishment. Senators Reid, Boxer, Baucus, Feinstein, Bingaman, DeConcini, Nighthorse Campbell, Bryan, Boren, Krueger, Murray; and .. dozens of Representatives, including, but not limited to; Representatives Shepherd, Swift, Gonzales, Tim Johnson, Synar, Richardson, Pat Williams Schroeder, Fazio, George Miller, Waxman, Water, and of course Minnesota's Bruce Vento are all burrs under the saddle of the economic viability of the states and counties.

These misguided bureaucrats who have supped at the federal trough for a combined total of three hundred and eleven (311) years, have yet to find for economic stability, particularly in the west. Could the militia be of help here?

All government officials, both local and federal, must be made to abide by the same rules of conduct that they require of their constituents. Or if they are appointees, of the local citizenry. The bureaucratic immunity that some Senators, Representatives and federal agents think they deserve should be passe'. In a country where the rules of law are to be observed by everyone, within that country; by both local and foreign officials, it is a farce to offer diplomatic immunity to the representatives of any state or nation, great or small, free or slave. Could the militia be of help here?

When the government becomes a law-breaker, they breed contempt and an aura of distrust permeates almost every aspect of their efforts. They invite anarchy and chaos and the end result is the absence of effective government

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and results in prolonged social disorder. Could the militia be of help here?

When the federal government insists that the end always justifies the means, they invite retribution that could become baneful and diminish the loyalty and respect the citizens should feel for them. The law of the militia is to restore laws that have been breached or broken. The duty of the militia, according to the Militia Act of 1792, is to enforce punishment upon those who have broken established law, when the normal course of judicial proceedings cannot do so. They are to suppress combinations which are too powerful for the ordinary course of judiciary proceedings. In other words, they are to put down unlawful misadventure that is perpetrated upon the citizenry. Misadventure by whom? That question really doesn't require a great deal of mental acumen. Who are the individuals and organizations that continually demand and insist that you do certain things which run contrary to; not only your beliefs and convictions, but to the convictions of the vast majority of the citizens. Our old friends; the federal government, of course.

Did you know that our present Attorney General, Janet Reno, has strong opinions about the 2nd Amendment? She brought her misguided understanding of "cults" as the forerunner to that Amendment. Here are her words: "A cultist is one who has strong belief in the Bible and the Second Coming of Christ; who frequently attends Bible studies; who has a high level of financial giving to a Christian cause; who home schools their children; who has accumulated survival foods and have a strong belief in the Second Amendment, and who distrusts big government. Any of these may qualify (a person as a cultist) but certainly more than one would cause us to strongly look at this person as a threat, and his family as being in a risk situation that qualified for governmental interference. Waco was one of those situations that qualified under our definition of people being at risk that necessitates government action to save them." Were we on the same planet? Just how many souls did Janet Reno save at Waco?

Getting down to the nitty gritty, do we really need a militia? Won't the federal government take care of our needs? Well! They took care of the needs at Waco, they took care of the needs of Randy Weaver, they took care of the needs of Donald Scott, and they seem to be taking care of the needs of property owners in all of the 50 states.

Do we really need a militia, and why? Because we have scalawags and rascals and mischievous persons and people open to temptation and flat out liars and thieves in places of power in our federal government. Some of those individuals are capable of taking over the electoral process in our nation. What if, in time, through money and political power, they managed to take over the reins of both political parties. A constant voiced concern of Ross Perot. What then?

What if the elitists in power also used their paid political hacks, to manipulate the voting process? We do know that ANY electronic voting machine can be rigged to make sure that only the elitist chosen candidates will win. That's when it's time for an alert and vigilant militia to be on guard.

*"...A cultist is one who has strong belief in the Bible and the Second Coming of Christ;... have a strong belief in the Second Amendment, and who distrusts big government..."*

Don't those in power, the elitists, realize that if they continue in their ways there could be some dire consequences? If they, in their delusion, think that the various militias will not defend their homeland, they are walking a little loose in their loafers. And... all those youngsters serving in the U.S. Military; those youngsters from Montana will not fire on Montanans. Those youngsters from Utah will not fire on Utahns, and even the troops from California, will not fire upon their people. When push comes to shove,

and the U.S. Military begins to line up against individual states, there will be mass desertions and chaos. At that time, the militias will be the main defense against tyranny. At this present time, the people are warning federal government; let us alone or face the consequences.

Does all this sound like it's coming from left field? Well! Laws that are written in secrecy are a plague upon the people and they must be rescinded. All Executive Orders are written in secrecy. We realize that our urban cousins appear to be basically ignorant as to what is going on in the property rights sector. But one need only to have the IQ of tree bark to realize the federal government is out of control. Could this be a time for the militia?

## FORMING A MILITIA

Almost anyone can form a militia. The structure may vary somewhat from state to state, depending on how each state constitution is worded on the subject of militias. So first check your state constitution.

During the era of the militia, especially in America, the militia was ruled by the people, having elected their

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commanders and they followed a pattern of organization that was centuries old.

The militia councils, were called Councils at General, Councils at War, and Councils at Administration. The Councils at General were meetings that taught members, indoctrinated recruits and handled general information. They functioned at the need of members. They were used for general information, such as selection of leaders, exchange of news, etc. This Council is where men learned to trust each other, conduct their private business and had a place of reliable and certain information.

The Councils of War were the councils where assignments were given and reports received. They instructed regarding military duty and drill. They were common throughout the period 1754-1789, had nothing to do with fighting, but to do with guard duty at the docks, a town crier, lookout duty, coast watch for smugglers and similar assignments.

Councils of Administration are leadership only council, and those they wished to invite. They took care of the details of running the militia. They were used to develop leadership traits and opportunities. They were of great value to the overall organization and harmony in leadership as they developed a camaraderie and loyalty between the various leaders of the several militia.

Current day militia have a set of Rules and Regulations by which they operate and to a certain degree, these are based on compliance with state constitution and law concerning the regulation of the militia. These rules and regulations define Rank and Structure, the terms under which the Taking Up Arms may occur, Officers and Members, Funding and Property, Association, Law and Justice and other General Provisions.

The Militia, in the state of Idaho, is now divided into three classes. The National Guard, the organized militia and the unorganized militia.

What a brilliant stroke. They divided the national guard into the federal troops the feds pay for, the organized militia, who were to be those the federal government did not recognize, but that the governor could call out, and the unorganized being every other able bodied male between 18 and 65. This was a true vestige of the intent of the Founding Fathers and a heritage of the Guarantee of the Second Amendment.

Abraham Lincoln speaking on the Constitution said, "We the people are the rightful masters of both congress and courts. Not to overthrow the Constitution, but to OVER-THROW THE MEN WHO PERVERT THE CONSTITUTION."

Our Founding Fathers defined WE THE PEOPLE as the militia and that the militia will be armed equal to anything we might be opposed by, to stand off any action by any level of government and/or foreign invasion.

The security of a free state is not found in the citizens having guns in the closet. It is found in the citizenry being trained, organized, equipped and led properly so that IF THE GOVERNMENT USES ITS FORCE AGAINST THE CITIZENS, THE PEOPLE CAN RESPOND WITH A SUPERIOR AMOUNT OF ARMS, AND APPROPRIATELY DEFEND THEIR RIGHTS!

One of the prime reasons for an alert and vigilant militia is that when the federal government is instituted among men for the purpose of protecting their rights and liberties; and they turn against the people who empower them, and strive to take away their rights and liberties, it is the DUTY of man to put on the cloak of liberty for the sake of protecting mankind from the federal government that is out of control and that has transformed itself into a tyrant. Just as our Founding Fathers of this great country shook off their shackles of bondage; SO MUST WE!

At no time in our history since the colonies declared their independence from the long train of abuses of King George, has our country needed a network of active militias across America to protect us from the monster we have allowed our federal government to become.

Long live the Militia! Long live freedom! Long live government that fear the people! ■

This month's article was written by Jim Faulkner, NFLC staff writer. We are grateful to the following organizations which were very helpful in providing information on the Militia: Desert Political Journal, 17 S. Cleveland Ave., Blackfoot, ID 83221, (208) 795-1032; Militia of Montana, c/o P.O. Box 1486, Noxon, MT 59853, (406) 847-2246; and the Constitutional Militia of 1791, c/o P.O. Box 601, Cornville AZ 86325, (602) 634-9269. These organizations will be more than happy to assist you in starting your own Militia.

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