

HANDBOOK TO UNDERSTANDING THE MICHIGAN MILITIA CORPS WOLVERINES (M.M.C.W.)

MILITIA:

An unorganized, well-regulated, and independent Citizen militia.

PURPOSE:

To establish the historical and Constitutional precedent for the establishment of the Michigan Militia Corps, Wolverines. To explain its mission and goals and to explain the organizational structure of the Wolverines.

“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.” [Amendment 2 of the united States Bill of Rights].

“Every person has a right to keep and bear arms for the defense of himself and the State.” [Article I, Section 6, Constitution of Michigan, Declaration of Rights].

INTRODUCTION:

“Law of Nations” (written by Emer de Vattel) influence on our Constitution and the unchangeability of “Law of Nature” by Man.

“It came to us in good season, when the circumstances of a rising State make it necessary frequently to consult the Law of Nations.” Benjamin Franklin. 1775

From 1776 to 1783, the more the United States progressed, the greater became Vattel’s influence. In 1780, his *“Law of Nations”* was a classic, a textbook in the universities, he was followed as the most competent, the wisest, and the safest guide, in all the discussions of Congress, in all the trials in court, and in diplomatic correspondence, especially that concerned with questions of legality.

BOOK 1

Chapter 1, §12

The Law of Nations is the law of sovereigns; free and independent States are moral persons, whose rights and obligations we are to set forth in this treatise.

Chapter II, §14

.. .A Nation is preserved if the political association, which forms it, endures. If this association comes to an end, the Nation or the State no longer exists, though the individuals composing it still live...

Chapter II, §15

The end or aim of civil society is to procure for its citizens the necessities, the comforts, and the pleasures of life, and in general their happiness; to secure to each the peaceful enjoyment of his property and a sure means of obtaining justice; and finally to defend the whole body against all external violence.

Chapter II, §16

.. .When men, by the act of associating together, form a State or Nation, each individual agrees to procure the common good of all, and all together agree to assist each in obtaining the means of providing for his needs and to protect and defend him...

Chapter II, §25

...Nations can not be well governed without taking into account their character; and for this purpose it must be known what that character is.

Chapter III, §27

The fundamental law which determines the manner in which the public authority is to be exercised is what forms the constitution of the State. In it can be seen the organization by means of which the Nation acts as a political body; how and by whom the people are to be governed, and what are the rights and duties of those who govern...

Chapter III, §30

The constitution of a State and its laws are the foundation of public peace, the firm support of political authority, and the security for the liberty of the citizens... It is, therefore, the duty of a Nation to be ever on the watch that the laws be equally respected, both by those who govern and by the who are to be ruled by them...

Chapter III, §34

...The question arises whether their [legislative] power extends to the fundamental laws, whether they can change the constitution of the State. The principles we have laid down lead us to decide definitely that the authority of these legislators does not go that far, and that the fundamental laws must be sacred to them, unless they are expressly empowered by the nation to change them...

Chapter III, §46

...The constitution and the fundamental laws are the plan according to which the Nation has determined to work its way to prosperity. Their execution is entrusted to the Prince; let him follow that plan religiously; let him look upon the fundamental laws as inviolable and sacred, and let him understand that the moment he departs from them, his commands are unjust and are but a criminal abuse of the power confided to him...

Chapter III, §51

...If the authority of the Prince is limited and regulated by the fundamental laws, whenever he goes beyond the limits prescribed to him, he commands without right and even without title; the Nation is not bound to obey him and may resist his unlawful undertakings. The moment he attacks the constitution of the State, the Prince breaks the contract which bound the people to him; and the people become free by the act of the sovereign, and henceforth, they regard him as an usurper seeking to oppress them...

Chapter III, §54

...No agreement can bind, or even authorize, a man to violate the natural law. All authors who have any conscience or sense of honor agree that no one should obey commands which are clearly contrary to that sacred law... The Prince who violates all laws, who has no consideration for others, and who seeks in his violence to deprive an innocent person of life, divests himself of his authority; by his injustice and cruelty he becomes no more than an enemy, against whom it is allowed to defend oneself...

Chapter XI, §1 to

...Happiness is the goal towards which are directed all the duties which individuals and peoples owe to themselves; it is the great end of the natural law. The desire to be happy is the powerful incentive which rouses men to action; happiness is the end whither they all tend and it ought to be the prime objective of the public will (Introd., §5). It is, therefore, the duty of the individuals who form this public will, or of the rulers who represent it, to work for the happiness of the Nation, to watch over it unceasingly, and to promote it to the utmost of their power.

Chapter XI, §111

A wise and just ruler does not fear the light of knowledge; he knows that it is always of advantage to a good government. If enlightened people know that liberty is the natural inheritance of man, they realize better than others how necessary it is, in their own interest, that this liberty be subject to lawful authority. They are faithful subjects for the very reason that they refuse to be slaves.

Chapter XI, § 115

It is not enough to educate the Nation in knowledge; in order to lead it to happiness it is even more necessary to inspire a love of virtue and an abhorrence of vice...

Chapter XI, § 123

If every man is bound in conscience to love his country sincerely, and to procure its welfare as far as lies in his power, it is a shameful and detestable crime to do an injury to one's country. He who becomes guilty of it violates the most sacred of compacts and exhibits a base ingratitude; he disgraces himself by the blackest perfidy, since he abuses the confidence of his fellow-citizens and treats as enemies those who had reason to expect from him only his help and his services. We find traitors to their country only among men who are moved solely by base motives, who look to their own interest first, and whose hearts are incapable of any sentiment of affection for others. Therefore, they are justly despised by all the world as the most infamous of all criminals.

BOOK II

Chapter IV, §49

The duty which nature has imposed upon Nations, as upon individuals. of self-preservation, and of perfecting themselves and the circumstances by which they are surrounded, would be to no effect if they had not at the same time the right to prevent any interference with its fulfillment. A right is nothing else than the moral power to act, that is to say, the power to do what is morally possible, what is good in itself and conformable to duty. We have, therefore, the general right to do whatever is necessary to fulfillment of our duties. Hence Nations, as men, have the right to resist any attack upon their existence, or upon the internal or external advantages they enjoy; that is to say, to protect themselves against all injury (§ 18); and this right is absolute, since it is given for the fulfillment of a and indispensable obligation When force cannot be used to cause a right to be respected, the possibility of exercising it effectively is very doubtful. It is this right of securing oneself against all injury which is called the *right of self protection*.

Chapter IV, §51

When the injury has been done, the same right of self-protection authorizes the injured party to seek full redress and to use force to obtain it, if necessary.

Chapter IV, § 52

Finally, the injured party has the right to provide for its security in the fixture and to punish the offender in such a way as to prevent a recurrence of such attacks and give a warning to any others who may be tempted to make similar attacks...

Chapter IV, §53

If, then, there should be found a restless and unprincipled Nation, ever ready to do harm to others, to thwart their purposes, and to stir up civil strife among their citizens, there is no doubt that all the others would have the right to unite together to subdue such a Nation, to discipline it. And even to disable it from doing further harm...

BOOK III

Chapter II §8

Every citizen is bound to serve and defend the State as far as he is able. Society can not be otherwise preserved; and this union for common defense is one of the first objects of all political association. Whoever is able to bear arms must take them up as soon as he is commanded to do so by the one who has the power to make war.

Chapter II, §9

...as soon as war was declared, every man became a soldier; the entire people took up arms and carried on the war...

Chapter II, §10

No one is naturally exempt from bearing arms in the service of the State, for the obligation of every citizen is the same. Those alone are exempt who are incapable of bearing arms, or of enduring the hardships of war. On this ground, old men, children, and women are exempted...

Chapter II, §11

Among the Romans, so long as every man served in the army in his turn, soldiers received no pay. But once special men are chosen, once standing armies are maintained, the State must give them pay, for no one owes more than his proportionate share of service to the State; and if the ordinary revenues do not suffice for the purpose, special taxes must be levied to make up what is needed. It is fair that those who do not serve should pay their defenders...

Chapter II, § 16

All soldiers, whether subjects or foreigners, must take oath to serve faithfully and not to desert the service. Independently of any oath, their obligation is the same, whether because of their character as subjects or because of their contract as mercenaries...

Chapter II, § 17

Good order and obedience, at all times so useful, are nowhere so necessary as in an army. The sovereign should determine the precise duties and rights of the various grades of the army- soldiers, officers, division commanders, generals; he should regulate and define the authority of officers of every rank, the penalties attached to offenses, the procedure of trials, etc. The laws and ordinances relating to these various matters form the military code...

Chapter II, § 18

The regulations whose special object is to maintain order in the army and to put it in condition for useful service constitute what is called military discipline...

Chapter II, §19

Every army officer, from the corporal to the general, enjoys the rights and the authority which have been conferred upon him by the sovereign; and the will of the sovereign in this respect, is manifested by his express declarations, contained either in the commissions he delivers or in the military code, or is deduced, by a just inference, from the nature of the duties entrusted to each officer. For every man holding an office is presumed to possess whatever authority he needs for the fulfillment of his office and for the proper performance of his duties.

BREAKDOWN FOR BEGINNERS

Below is a list of a few very basic issues in the simplest of terms. In each case, very obvious problems are presented, and it is up to you, the reader, to acknowledge those problems, that they exist, and to what extent. Then, it is up to you to decide what to do about them.

In honor of Thomas Paine and Common Sense, we would like to introduce the "duh theory", which is the act of refusing to acknowledge the most obvious, simple, and common sense truth about a thing so adamantly that one actually starts advocating an untruth in an attempt to justify their own denial; only to discover, much to their dismay, the most obvious, simple, and common sense answer is the Truth.

These are some of the simple truths as they relate to the militia; apply the "duh theory" often.

The Militia for Beginners

The militia -- sit down, brace yourself, this gets complicated -- is: everyone! By definition, the militia consists of "all citizens capable of bearing arms". I can list everyone and everything we are, but I think "everyone" pretty much covers it; so let's move on to what we are not.

We are not racists fighting the "great race war...to annihilate the mud people", we welcome everyone, regardless of the hue of their skin; we are not terrorists advocating violence or destroying buildings in Oklahoma full of men, women, and children, only lunatics do that; we are not right-wing religious extremists fighting "demonically controlled people activated by Satan", we welcome everyone of every religion, no religion, or anything in between as the case may be.

We are portrayed as above, as it serves the purpose of tainting the legitimacy of our concerns. (Apply the duh theory here.)

Taxes, Taxes, Taxes for Beginners

In the feudal system, of days of old, the Lord of the Manor owned the land; the Serfs worked the land, and had to give the Lord of the Manor 1/3 (or 33%) of what they produced.

This is what we pay today - Just for starters:

Social Security Tax 15%	Yes, it's 15%, not 7.65%
Federal Income Tax 12%	Approximate - on the low end
State income Tax 4%	Again, on the low end
State Sales Tax 6%	The effective rate is really 10%
Other Payroll Taxes 3%	Again, on the low end
TOTAL 40%	

Remember, this is just for starters...

Now add to this Real Estate Taxes (whether you rent or own), Gas Taxes, Cigarette Taxes, Alcohol Taxes, Taxes already built into the price of every product you buy, etc., etc., etc... All in total, you pay between 60% to 70% of everything you earn (produce) in Taxes.

Now remember, Serfs were only required to pay 33%. Oh, by the way - Serfs were considered SLAVES. I seem to remember something in the Constitution about involuntary servitude... (Apply the duh theory here.) This is the most obvious, simple, common sense truth; denying it is not going to help or make it go away.

Additional point: At what point in the English language did income start meaning wages?

Hint: Wages are personal property, not income; income is the profit from an investment. (Apply the duh theory here.) If I remember correctly, stealing is illegal.

Declaration of Independence for Beginners

Before the Constitution, there was the Declaration of Independence. This document basically tells Great Britain to take a hike - we did not want a tyrannical dictator anymore. In the Declaration of Independence, listed are all the horrid things that King George III had done to his own people (remember, at that time America was a British colony). It is very interesting to note here, that most of the crimes King George III was committing against his people are identical to what our government is doing to us today.

Well, we got fed-up and decided that we no longer wanted to be ruled by King George III or Great Britain; we declared to the world that we were our own country of our own people, and we will run our country our way. Thus, America was born, and after winning the war of our Revolution, the Constitution was written.

Constitution for Beginners

The Constitution does not give you your rights. It can't. No mere piece of paper can give you your rights, nor can it take them away. The Constitution limits the government. It spells out, plainly and clearly, what the government can or cannot do. Any power not given to the government by the Constitution cannot be lawfully exercised by the government.

The Constitution is the Supreme Law of the Land. Therefore, when the Supreme Law of the Land, i.e., the Constitution is violated, that violation is illegal. (Apply the duh theory here.) This is the most obvious, simple, common sense truth; denying it is not going to help or make it go away.

*"No one is bound to obey an unconstitutional law and no courts are bound to enforce it."
16 Am Jur 2d, Sec 177 late 2d, Sec 256*

The Bill of Rights for Beginners

In addition to the Constitution, there are 10 amendments commonly referred to as The Bill of Rights. One of the most common misunderstandings relating to the Bill of Rights is that this is where people get their rights; THIS IS INCORRECT. If this is where you are given your rights, they can be taken away. You are born with your rights; they are from your Creator - NOT from the government.

There are two important word use distinctions that must be understood when reading the Constitution and the Bill of Rights; POWER (or authority) and RIGHTS. The government and all governmental bodies have Power or authority, only People have Rights.

So, in the simplest of terms, the Constitution specifies exactly what the government CAN do. Add to that the Bill of Rights, which says what the government CAN'T do. In other words, these documents don't give you your rights, what they do is LIMIT the government. (Apply the duh theory here.)

Gun rights for Beginners

*"The Constitutions of most of our states (and of the United States)
assert that all power is inherent in the people;
that they may exercise it by themselves;
that it is their right and duty to be at all times armed." - Thomas Jefferson*

*"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." - Constitution for
the United States, Second Amendment*

*"Every person has a right to keep and bear arms for the defense of himself and the state."
- Constitution for the State of Michigan, Article I, Section 6*

As already stated, when something violates the Supreme Law of the Land, i.e, the Constitution, that something is illegal. The federal, state, and local governments, with their gun control laws, have all violated the Supreme Law of the Land. It doesn't matter whether or not you like guns, the Constitution is the Supreme Law of the Land. (Apply the duh theory here.) This is the most obvious, simple, common sense truth; denying it is not going to help or make it go away.

Criminals, by definition, don't follow the law. Making laws to keep guns out of the criminals' hands is not going to work -- criminals don't obey the law. (Apply the duh theory here.) This is the most obvious, simple, common sense truth; denying it is not going to help or make it go away.

Okay, since we are using the Common Sense theme, there are those who would say, "It's common sense, the more guns there are, more people will get shot by them." And my response to that is, "More guns, more law abiding citizens carrying them, who would otherwise be victims, are shooting more criminals...You're right - great idea."

One more thing...unarmed citizens have not only been victimized by criminals throughout history, they have also been victimized by GOVERNMENTS. Nazi, Germany, the Soviet Union, Cambodia, Rwanda, and Bosnia can all serve as examples of GOVERNMENTS, in some cases DEMOCRATICALLY ELECTED GOVERNMENTS, using "Gun Control" to enslave or murder thousands and even millions of unarmed, helpless victims.

Gun Control simply makes it easy for criminals and governments (kind of redundant, isn't it?) to harm decent, law abiding citizens. (Apply the duh theory here.) This is the most obvious, simple, common sense truth; denying it is not going to help or make it go away.

Government officials for Beginners

All government officials (varmint) take an oath of office when they are elected, appointed, hired, or whatever the case may be. Similar to: "I will uphold and defend the Constitution..."

This is what we elect them to do. You have to ask yourself, are they doing this? And, if they are not, just what, exactly, are they doing? (Apply the duh theory here.) The beauty of the Constitution is that it is designed to PREVENT government officials from imposing their own personal view or agenda upon the rest of us, which is what government officials are doing today. This is the most obvious, simple, common sense truth; denying it is not going to help or make it go away.

Democracy for Beginners

The word "democracy" does NOT appear in the Declaration of Independence, nor does it appear in the Constitution. There is a good reason for this: AMERICA IS NOT A DEMOCRACY; the majority does NOT rule (contrary to popular belief) -- the Constitution does. (Apply the duh theory here.) If the majority ruled, then we would not need a Constitution at all. In fact, we would not need any laws, we could just vote on whether or not something was right or wrong. This is the most obvious, simple, common sense truth; denying it is not going to help or make it go away.

Democracy is 4 wolves and 1 sheep voting on what's for dinner.
Liberty is the sheep with .357 magnum telling the wolves where to stick it.

The United Nations for Beginners

There is so much here, but we will limit it to the three main documents.

The UN Charter: this is their version of a Constitution, and it starts off nice and pretty, just like ours, "We the people..." The similarities end there. To summarize it briefly, all of the power lies in the Security Council, which is composed of 5 permanent members, and 10 other transitory members. No checks and balances, no division of branches of government, just the Security Council; what they say goes, period. Sounds like a dictatorship to me...

The Declaration of Human Rights: (The title should give you a clue) Again, it starts off nice and pretty, and talks about how wonderful individual rights and freedoms are; then they list a whole bunch of wonderful rights that they are giving you - not given by your Creator - rights they are giving you. What they giveth, they can taketh away, read to the end where they proclaim proudly that none of these rights can be exercised contrary to the purposes and principals of the United Nations or international law.

Convention on the Rights of the Child: (The title should give you a clue) A proper title would be "The Power of the State Over Your Child" or "Parents are only for the maintenance of the child". Did you know: your child has a right to be happy, have a wonderful environment -- and if you don't make your child happy and provide a wonderful environment and countless other things -- they can take your child away? According to the UN, that's the way it is.

So, read the Constitution, then read UN documents -- which do you choose to govern us?

Conspiracy Theories for Beginners

Who cares? The things the government has done right in front of us in the wide open, is plenty. We don't need black helicopters, or other such things. Even if true, the conspirators are wasting their time, there is nothing they could do in secret that is worse than what has already been done in the open.

If You Still Don't Get it

"If ye love wealth better than liberty, the tranquility of servitude better than the animating contest of freedom, go home from us in peace. We ask not your counsel or arms. Crouch down and lick the hands which feed you. May your chains set lightly upon you, and may posterity forget that you were our countrymen." - Samuel Adams, debates of 1776

HISTORY

1. What is the historical and legal precedent for maintaining a citizen militia?

The issue of citizen's militias and the individual right to keep and bear arms is a very complex one, therefore it is not summed up easily. The following is an excerpt from a 1982 US Senate Report (97-2807) from the Subcommittee on the Constitution entitled: "History: Second Amendment Right to 'Keep and Bear Arms.'"

"The advantage of being armed . . . the Americans possess over the people of all other nations . . . Notwithstanding the military establishments in the several Kingdoms of Europe, which are carried as far as the public resources will bear, the governments are afraid to trust the people with arms." (James Madison, author of the Bill of Rights, in his Federalist Paper No. 26.)

The right to keep and bear arms as a part of English and American law antedates not only the Constitution, but also the discovery of firearms. Under the laws of Alfred the Great, whose reign began in 872 A.D., all English citizens from the nobility to the peasants were obliged to privately purchase weapons and be available for military duty. [1] This was in sharp contrast to the feudal system as it evolved in Europe, under which armament and military duties were concentrated in the nobility. The body of armed citizens were known as the "fyrd."

While a great many of the Saxon rights were abridged following the Norman Conquest, the right and duty of arms possession was retained. Under the Assize of Arms of 1181, "the whole community of freemen" between the ages of 15 and 40 were required by law to possess certain arms, which were arranged in proportion to their possessions. [2] They were required twice a year to demonstrate to Royal officials that they were appropriately armed. In 1253, another Assize of Arms expanded the duty of armament to include not only freemen, but also villains, who were the English equivalent of serfs. Now all "citizens, burgesses, free tenants, villains and others from 15 to 60 years of age" were obligated to be armed. [3] While on the Continent the villains were regarded as little more than animals hungering for rebellion, the English legal system not only permitted, but affirmatively required them, to be armed.

The thirteenth century saw further definitions of this right as the long bow, a formidable armor-piercing weapon, became increasingly the mainstay of British national policy. In 1285, Edward I commanded that all persons comply with the earlier Assizes and added that "anyone else who can afford them shall keep bows and arrows." [4] The right of armament was subject only to narrow limitations. In 1279, it was ordered that those appearing in Parliament or other public assemblies "shall come without all force and armor, well and peaceably." [5] In 1328, the statute of Northampton ordered that no one use their arms in "affray of the peace, nor to go nor ride armed by day or by night in fairs, markets, nor in the presence of the justices or other ministers." [6] English courts construed this ban consistently with the general right of private armament as applying only to wearing of arms "accompanied with such circumstances as are apt to terrify the people." [7] In 1369, the King ordered that the sheriffs of London require all citizens "at leisure time on holidays" to "use in their recreation bows and arrows" and to stop all other games which might distract them from this practice. [8]

The Tudor kings experimented with limits upon specialized weapons--mainly crossbows and the then-new firearms. These measures were not intended to disarm the citizenry, but on the contrary, to prevent their being diverted from longbow practice by sport with other weapons which were considered less effective. Even these narrow measures were short-lived. In 1503, Henry VII limited shooting (but not possession) of crossbows to those with land worth 200 marks annual rental, but provided an exception for those who "shout out of a house for the lawful defense of the same". [9] In 1511, Henry VIII increased the property requirement to 300 marks. He also

expanded the requirement of longbow ownership, requiring all citizens to "use and exercise shooting in longbows, and also have a bow and arrows continually" in the house. [10] Fathers were required by law to purchase bows and arrows for their sons between the age of 7 and 14 and to train them in longbow use.

In 1514 the ban on crossbows was extended to include firearms. [11] But in 1533, Henry reduced the property qualification to 100 pounds per year; in 1541 he limited it to possession of small firearms ("of the length of one hole yard" for some firearms and "three quarters of a yard" for others) [12] and eventually he repealed the entire statute by proclamation. [13] The later Tudor monarchs continued the system and Elizabeth added to it by creating what came to be known as "train bands," selected portions of the citizenry chosen for special training. These trained bands were distinguished from the "militia," which term was first used during the Spanish Armada crisis to designate the entire of the armed citizenry. [14]

The militia continued to be a pivotal force in the English political system. The British historian Charles Oman considers the existence of the armed citizenry to be a major reason for the moderation of monarchical rule in Great Britain; "More than once he [Henry VIII] had to restrain himself, when he discovered that the general feeling of his subjects was against him...His 'gentlemen pensioners' and yeomen of the guard were but a handful, and bills or bows were in every farm and cottage." [15]

When civil war broke out in 1642, the critical issue was whether the King or Parliament had the right to control the militia. [16] The aftermath of the civil war saw England in temporary control of a military government, which repeatedly dissolved Parliament and authorized its officers to "search for, and seize all arms" owned by Catholics, opponents of the government, "or any other person whom the commissioners had judged dangerous to the peace of this Commonwealth." [17]

The military government ended with the restoration of Charles II. Charles in turn opened his reign with a variety of repressive legislation, expanding the definition of treason, establishing press censorship and ordering his supporters to form their own troops, "the officers to be numerous, disaffected persons watched and not allowed to assemble, and their arms seized." [18] In 1662, a Militia Act was enacted empowering officials "to search for and seize all arms in the custody or possession of any person or persons whom the said lieutenants or any two or more of their deputies shall judge dangerous to the peace of the kingdom." [19] Gunsmiths were ordered to deliver to the government lists of all purchasers. [20] These confiscations were continued under James II, who directed them particularly against the Irish population: "Although the country was infested by predatory bands, a Protestant gentleman could scarcely obtain permission to keep a brace of pistols." [21]

In 1668, the government of James was overturned in a peaceful uprising which came to be known as "The Glorious Revolution." Parliament resolved that James had abdicated and promulgated a Declaration of Rights, later enacted as the Bill of Rights. Before coronation, his successor William of Orange, was required to swear to respect these rights. The debates in the House of Commons over this Declaration of Rights focused largely upon the disarmament under the 1662 Militia Act. One member complained that "an act of Parliament was made to disarm all Englishmen, who the lieutenant should suspect, by day or night, by force or otherwise--this was done in Ireland for the sake of putting arms into Irish hands." The speech of another is summarized as "militia bill--power to disarm all England--now done in Ireland." A third complained "Arbitrary power exercised by the ministry. . . . Militia--imprisoning without reason; disarming--himself disarmed." Yet another summarized his complaints "Militia Act--an abominable thing to disarm the nation. . . ." [22]

The Bill of Rights, as drafted in the House of Commons, simply provided that "the acts concerning the militia are grievous to the subject" and that "it is necessary for the public Safety that the Subjects, which are Protestants, should provide and keep arms for the common defense; And that the Arms which have been seized, and taken from them, be restored." [23] The House of Lords changed this to make it a more positive declaration of an individual right under English law: "That the subjects which are Protestant may have arms for their defense suitable to their conditions and as allowed by law." [24] The only limitation was on ownership by Catholics, who at that time composed only a few percent of the British population and were subject to a wide variety of punitive legislation. The Parliament subsequently made clear what it meant by "suitable to their conditions and as allowed by law." The poorer citizens had been restricted from owning firearms, as well as traps and other commodities useful for hunting, by the 1671 Game Act. Following the Bill of Rights, Parliament reenacted that statute, leaving

its operative parts unchanged with one exception--which removed the word "guns" from the list of items forbidden to the poorer citizens. [25] The right to keep and bear arms would henceforth belong to all English subjects, rich and poor alike.

In the colonies, availability of hunting and need for defense led to armament statutes comparable to those of the early Saxon times. In 1623, Virginia forbade its colonists to travel unless they were "well armed"; in 1631 it required colonists to engage in target practice on Sunday and "to bring their pieces to church." [26] In 1658 it required every householder to have a functioning firearm within his house and in 1673 its laws provided that a citizen who claimed he was too poor to purchase a firearm would have one purchased for him by the government, which would then require him to pay a reasonable price when able to do so. [27] In Massachusetts, the first session of the legislature ordered that not only freemen, but also indentured servants own firearms and in 1644 it imposed a stern 6 shilling fine upon any citizen who was not armed. [28]

When the British government began to increase its military presence in the colonies in the mid-eighteenth century, Massachusetts responded by calling upon its citizens to arm themselves in defense. One colonial newspaper argued that it was impossible to complain that this act was illegal since they were "British subjects, to whom the privilege of possessing arms is expressly recognized by the Bill of Rights" while another argued that this "is a natural right which the people have reserved to themselves, confirmed by the Bill of Rights, to keep arms for their own defense." [29] The newspaper cited Blackstone's commentaries on the laws of England, which had listed the "having and using arms for self preservation and defense" among the "absolute rights of individuals." The colonists felt they had an absolute right at common law to own firearms.

Together with freedom of the press, the right to keep and bear arms became one of the individual rights most prized by the colonists. When British troops seized a militia arsenal in September, 1774, and incorrect rumors that colonists had been killed spread through Massachusetts, 60,000 citizens took up arms. [30] A few months later, when Patrick Henry delivered his famed "Give me liberty or give me death" speech, he spoke in support of a proposition "that a well regulated militia, composed of gentlemen and freemen, is the natural strength and only security of a free government. . . ." Throughout the following revolution, formal and informal units of armed citizens obstructed British communication, cut off foraging parties, and harassed the thinly stretched regular forces. When seven states adopted state "bills of rights" following the Declaration of Independence, each of those bills of rights provided either for protection of the concept of a militia or for an express right to keep and bear arms.[31]

Following the revolution but previous to the adoption of the Constitution, debates over militia proposals occupied a large part of the political scene. A variety of plans were put forth by figures ranging from George Washington to Baron von Steuben.[32] All the proposals called for a general duty of all citizens to be armed, although some proposals (most notably von Steuben's) also emphasized a "select militia" which would be paid for its services and given special training. In this respect, this "select militia" was the successor of the "trained bands" and the predecessor of what is today the "national guard." In the debates over the Constitution, von Steuben's proposals were criticized as undemocratic. In Connecticut one writer complained of a proposal that "this looks too much like Baron von Steuben's militia, by which a standing army was meant and intended." [33] In Pennsylvania, a delegate argued "Congress may give us a select militia which will, in fact, be a standing army--or Congress, afraid of a general militia, may say there will be no militia at all. When a select militia is formed, the people in general may be disarmed." [34]

Richard Henry Lee, in his widely read pamphlet "Letters from the Federal Farmer to the Republican" worried that the people might be disarmed "by modeling the militia." Should one fifth or one eighth part of the people capable of bearing arms be made into a select militia, as has been proposed, and those the young and ardent parts of the community, possessed of little or no property, the former will answer all the purposes of an army, while the latter will be defenseless." He proposed that "the Constitution ought to secure a genuine, and guard against a select militia," adding that "to preserve liberty, it is essential that the whole body of the people always possess arms and be taught alike, especially when young, how to use them." [35]

The suspicion of select militia units expressed in these passages is a clear indication that the framers of the Constitution did not seek to guarantee a State right to maintain formed groups similar to the National Guard, but

rather to protect the right of individual citizens to keep and bear arms. Lee, in particular, sat in the Senate which approved the Bill of Rights. He would hardly have meant the second amendment to apply only to the select militias he so feared and disliked.

Other figures of the period were of like mind. In the Virginia convention, George Mason, drafter of the Virginia Bill of Rights, accused the British of having plotted "to disarm the people--that was the best and most effective way to enslave them," while Patrick Henry observed that, "The great object is that every man be armed" and "everyone who is able may have a gun." [36]

Nor were the anti-federalists, to whom we owe credit for a Bill of Rights, alone on this account. Federalist arguments also provide a source of support for an individual rights view. Their arguments in favor of the proposed Constitution also relied heavily upon universal armament. The proposed Constitution had been heavily criticized for its failure to ban or even limit standing armies. Unable to deny this omission, the Constitution's supporters frequently argued to the people that the universal armament of Americans made such limitations unnecessary. A pamphlet written by Noah Webster, aimed at swaying Pennsylvania toward ratification, observed:

"Before a standing army can rule, the people must be disarmed; as they are in almost every kingdom in Europe. The supreme power in America cannot enforce unjust laws by the sword, because the whole body of the people are armed, and constitute a force superior to any band of regular troops that can be, on any pretense, raised in the United States. [37]";

In the Massachusetts convention, Sedgewick echoed the same thought, rhetorically asking an oppressive army could be formed or "if raised, whether they could subdue a Nation of freemen, who know how to prize liberty, and who have arms in their hands?" [38] In Federalist Paper 46, Madison, later author of the Second Amendment, mentioned "The advantage of being armed, which the Americans possess over the people of all other countries" and that "notwithstanding the military establishments in the several kingdoms of Europe, which are carried as far as the public resources will bear, the governments are afraid to trust the people with arms."

A third and even more compelling case for an individual rights perspective on the Second Amendment comes from the State demands for a bill of rights. Numerous state ratifications called for adoption of a Bill of Rights as a part of the Constitution. The first such call came from a group of Pennsylvania delegates. Their proposals, which were not adopted but had a critical effect on future debates, proposed among other rights that "the people have a right to bear arms for the defense of themselves and their own state, or the United States, or for the purpose of killing game; and no law shall be passed for disarming the people or any of them, unless for crimes committed, or a real danger of public injury from individuals." [39] In Massachusetts, Sam Adams unsuccessfully pushed for a ratification conditioned on adoption of a Bill of Rights, beginning with a guarantee "That the said Constitution shall never be construed to authorize Congress to infringe the just liberty of the press or the rights of conscience; or to prevent the people of the United States who are peaceable citizens from keeping their own arms. . . ." [40] When New Hampshire gave the Constitution the ninth vote needed for its passing into effect, it called for adoption of a Bill of Rights which included the provision that "Congress shall never disarm any citizen unless such as are or have been in actual rebellion." [41] Virginia and North Carolina thereafter called for a provision "that the people have the right to keep and bear arms; that a well regulated militia composed of the body of the people trained to arms is the proper, natural and safe defense of a free state." [42]

When the first Congress convened for the purpose of drafting a Bill of Rights, it delegated the task to James Madison. Madison did not write upon a blank tablet. Instead, he obtained a pamphlet listing the State proposals for a Bill of Rights and sought to produce a briefer version incorporating all the vital proposals of these. His purpose was to incorporate, not distinguish by technical changes, proposals such as that of the Pennsylvania minority, Sam Adams, and the New Hampshire delegates. Madison proposed among other rights that:

"The right of the people to keep and bear arms shall not be infringed; a well armed and well regulated militia being the best security of a free country; but no person religiously scrupulous of bearing arms shall be compelled to render military service." [43]

In the House, this was initially modified so that the militia clause came before the proposal recognizing the right. The proposals for the Bill of Rights were then trimmed in the interests of brevity. The conscientious objector clause was removed following objections by Eldridge Gerry, who complained that future Congresses might abuse the exemption for the scrupulous to excuse everyone from military service.

The proposal finally passed the House in its present form: "A well regulated militia, being necessary for the security of a free state, the right of the people to keep and bear arms, shall not be infringed." In this form it was submitted to the Senate, which passed it the following day. The Senate in the process indicated its intent that the right be an individual one, for private purposes, by rejecting an amendment which would have limited the keeping and bearing of arms to bearing "for the common defense."

The earliest American constitutional commentators concurred in giving this broad reading to the amendment. When St. George Tucker, later Chief Justice of the Virginia Supreme Court, in 1803 published an edition of Blackstone annotated to American law, he followed Blackstone's citation of the right of the subject "of having arms suitable to their condition and degree, and such as are allowed by law" with a citation to the Second Amendment, " "And this without any qualification as to their condition or degree, as is the case in the British government." [44] William Rawle's "View of the Constitution" published in Philadelphia in 1825 noted that under the Second Amendment

"The prohibition is general. No clause in the Constitution could by a rule of construction be conceived to give to Congress a power to disarm the people. Such a flagitious attempt could only be made under some general pretense by a state legislature. But if in blind pursuit of inordinate power, either should attempt it, this amendment may be appealed to as a restraint on both."

The Jefferson papers in the Library of Congress show that both Tucker and Rawle were friends of, and corresponded with, Thomas Jefferson. This suggests that their assessment, as contemporaries of the Constitution's drafters, should be afforded special consideration.

Later commentators agreed with Tucker and Rawle. For instance, Joseph Story in his "Commentaries on the Constitution" considered the right to keep and bear arms as "the palladium of the liberties of the republic," which deterred tyranny and enabled the citizenry at large to overthrow it should it come to pass. [46]

Subsequent legislation in the second Congress likewise supports the interpretation of the Second Amendment that creates an individual right. In the Militia Act of 1792, the second Congress defined "militia of the United States" to include almost every free adult male in the United States. These persons were obligated by law to possess a firearm and a minimum supply of ammunition and military equipment.[47] This statute, incidentally, remained in effect into the early years of the present century as a legal requirement of gun ownership for most of the population of the United States. There can be little doubt from this that when the Congress and the people spoke of a "militia," they had reference to the traditional concept of the entire populace capable of bearing arms, and not to any formal group such as what is today called the National Guard. The purpose was to create an armed citizenry, such as the political theorists at the time considered essential to ward off tyranny. From this militia, appropriate measures might create a "well regulated militia" of individuals trained in their duties and responsibilities as citizens and owners of firearms.

The Second Amendment as such was rarely litigated prior to the passage of the Fourteenth Amendment. Prior to that time, most courts accepted that the commands of the federal Bill of Rights did not apply to the states. Since there was no federal firearms legislation at this time, there was no legislation which was directly subject to the Second Amendment, if the accepted interpretations were followed. However, a broad variety of state legislation was struck down under state guarantees of the right to keep and bear arms and even in a few cases, under the Second Amendment, when it came before courts which considered the federal protections applicable to the states. Kentucky in 1813 enacted the first carrying concealed weapon statute in the United States; in 1822, the Kentucky Court of Appeals struck down the law as a violation of the state constitutional protection of the right to keep and bear arms; "And can there be entertained a reasonable doubt but the provisions of that act import a restraint on the right of the citizen to bear arms? The court apprehends it not. The right existed at the adoption of the Constitution; it then had no limit short of the moral power of the citizens to exercise it, and in fact consisted of nothing else but

the liberty of the citizen to bear arms." [48] On the other hand, a similar measure was sustained in Indiana, not upon the grounds that a right to keep and bear arms did not apply, but rather upon the notion that a statute banning only concealed carrying still permitted the carrying of arms and merely regulated on possible way of carrying them.[49] A few years later, the Supreme Court of Alabama upheld a similar statute but added, "We do not desire to be understood as maintaining, that in regulating the manner of wearing arms, the legislature has no other limit than its own discretion. A statute which, under the pretense of regulation, amounts to a destruction of that right, or which requires arms to be so borne as to render them wholly useless for the purpose of defense, would be clearly unconstitutional." [50] When the Arkansas Supreme Court in 1842 upheld a carrying concealed weapons statute, the chief justice explained that the statute would not "detract anything from the power of the people to defend their free state and the established institutions of the country. It prohibits only the wearing of certain arms concealed. This is simply a regulation as to the manner of bearing such arms as are specified," while the dissenting justice proclaimed "I deny that any just or free government upon earth has the power to disarm its citizens". [51]

Sometimes courts went farther. When in 1837, Georgia totally banned the sale of pistols (excepting the larger pistols "known and used as horsemen's pistols") and other weapons, the Georgia Supreme Court in *Nunn v. State* held the statute unconstitutional under the Second Amendment to the federal Constitution. The court held that the Bill of Rights protected natural rights which were fully as capable of infringement by states as by the federal government and that the Second Amendment provided "the right of the whole people, old and young, men, women and boys, and not militia only, to keep and bear arms of every description, and not merely such as are used by the militia, shall not be infringed, curtailed, or broken in on, in the slightest degree; and all this for the important end to be attained: the rearing up and qualifying of a well regulated militia, so vitally necessary to the security of a free state." [52] Prior to the Civil War, the Supreme Court of the United States likewise indicated that the privileges of citizenship included the individual right to own and carry firearms. In the notorious *Dred Scott* case, the court held that black Americans were not citizens and could not be made such by any state. This decision, which by striking down the Missouri Compromise did so much to bring on the Civil War, listed what the Supreme Court considered the rights of American citizens by way of illustrating what rights would have to be given to black Americans if the Court were to recognize them as full fledged citizens:

"It would give to persons of the negro race, who are recognized as citizens in any one state of the Union, the right to enter every other state, whenever they pleased. . . .and it would give them full liberty of speech in public and in private upon all subjects upon which its own citizens might meet; to hold public meetings upon political affairs, and to keep and carry arms wherever they went. [53]"

Following the Civil War, the legislative efforts which gave us three amendments to the Constitution and our earliest civil rights acts likewise recognized the right to keep and bear arms as an existing constitutional right of the individual citizen and as a right specifically singled out as one protected by the civil rights acts and by the Fourteenth Amendment to the Constitution, against infringement by state authorities. Much of the reconstruction effort in the South had been hinged upon the creation of "black militias" composed of the armed and newly freed blacks, officered largely by black veterans of the Union Army. In the months after the Civil War, the existing southern governments struck at these units with the enactment of "black codes" which either outlawed gun ownership by blacks entirely, or imposed permit systems for them, and permitted the confiscation of firearms owned by blacks. When the Civil Rights Act of 1866 was debated members both of the Senate and the House referred to the disarmament of blacks as a major consideration.[54] Senator Trumbull cited provisions outlawing ownership of arms by blacks as among those which the Civil Rights Act would prevent.[55] Senator Sulsbury complained on the other hand that if the act were to be passed it would prevent his own state from enforcing a law banning gun ownership by individual free blacks.[56] Similar arguments were advanced during the debates over the "anti-KKK act"; its sponsor at one point explained that a section making it a federal crime to deprive a person of "arms or weapons he may have in his house or possession for the defense of his person, family, or property" was "intended to enforce the well-known constitutional provisions guaranteeing the right in the citizen 'keep and bear arms'." [57] Likewise, in the debates over the Fourteenth Amendment Congress frequently referred to the Second Amendment as one of the rights which it intended to guarantee against state action. [58]

Following adoption of the Fourteenth Amendment, however, the Supreme Court held that that Amendment's prohibition against states depriving any persons of their federal "privileges and immunities" was to be given a

narrow construction. In particular, the "privileges and immunities" under the Constitution would refer only to those rights which were not felt to exist as a process of natural right, but which were created solely by the Constitution. These might refer to rights such as voting in federal elections and of interstate travel, which would clearly not exist except by virtue of the existence of a federal government and which could not be said to be "natural rights." [59] This paradoxically meant that the rights which most persons would accept as the most important--those flowing from concepts of natural justice--were devalued at the expense of more technical rights. Thus when individuals were charged with having deprived black citizens of their right to freedom of assembly and to keep and bear arms, by violently breaking up a peaceable assembly of black citizens, the Supreme Court in *United States v. Cruikshank* [60] held that no indictment could be properly brought since the right "of bearing arms for a lawful purpose" is "not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence." Nor, in the view of the Court, was the right to peaceably assemble a right protected by the Fourteenth Amendment: "The right of the people peaceably to assemble for lawful purposes existed long before the adoption of the Constitution of the United States. In fact, it is and has always been one of the attributes of citizenship under a free government. . . . It was not, therefore, a right granted to the people by the Constitution." Thus the very importance of the rights protected by the First and Second Amendment was used as the basis for the argument that they did not apply to the states under the Fourteenth Amendment. In later opinions, chiefly *Presser v. Illinois* [61] and *Miller v. Texas* [62] the Supreme Court adhered to the view. *Cruikshank* has clearly been superseded by twentieth century opinions which hold that portions of the Bill of Rights--and in particular the right to assembly with which *Cruikshank* dealt in addition to the Second Amendment--are binding upon the state governments. Given the legislative history of the Civil Rights Acts and the Fourteenth Amendment, and the more expanded views of incorporation which have become accepted in our own century, it is clear that the right to keep and bear arms was meant to be and should be protected under the civil rights statutes and the Fourteenth Amendment against infringement by officials acting under color of state law.

Within our own century, the only occasion upon which the Second Amendment has reached the Supreme Court came in *United States v. Miller*. [63] There, a prosecution for carrying a sawed off shotgun was dismissed before trial on Second Amendment grounds. In doing so, the court took no evidence as to the nature of the firearm or indeed any other factual matter. The Supreme Court reversed on procedural grounds, holding that the trial court could not take judicial notice of the relationship between a firearm and the Second Amendment, but must receive some manner of evidence. It did not formulate a test nor state precisely what relationship might be required.

The court's statement that the amendment was adopted "to assure the continuation and render possible the effectiveness of such [militia] forces" and "must be interpreted and applied with that end in view," when combined with the court's statement that all constitutional sources "show plainly enough that the militia comprised all males physically capable of acting in concert for the common defense. . . . these men were expected to appear bearing arms supplied by themselves and of the kind in common use at the time," [64] suggests that at the very least private ownership by a person capable of self defense and using an ordinary privately owned firearm must be protected by the Second Amendment. What the Court did not do in *Miller* is even more striking: It did not suggest that the lower court take evidence on whether *Miller* belonged to the National Guard or a similar group. The hearing was to be on the nature of the firearm, not on the nature of its use; nor is there a single suggestion that National Guard status is relevant to the case.

The Second Amendment right to keep and bear arms therefore, is a right of the individual citizen to privately possess and carry in a peaceful manner firearms and similar arms. Such an "individual rights" interpretation is in full accord with the history of the right to keep and bear arms, as previously discussed. It is moreover in accord with contemporaneous statements and formulations of the right by such founders of this nation as Thomas Jefferson and Samuel Adams, and accurately reflects the majority of the proposals which led up to the Bill of Rights itself. A number of state constitutions, adopted prior to or contemporaneously with the federal Constitution and Bill of Rights, similarly provided for a right of the people to keep and bear arms. If in fact this language creates a right protecting the states only, there might be a reason for it to be inserted in the federal Constitution but no reason for it to be inserted in state constitutions. State bills of rights necessarily protect only against action by the state, and by definition a state cannot infringe its own rights; to attempt to protect a right belonging to the state by inserting it in a limitation of the state's own powers would create an absurdity. The fact that the contemporaries of the framers did insert these words into several state constitutions would indicate clearly that

they viewed the right as belonging to the individual citizen, thereby making it a right which could be infringed either by state or federal government and which must be protected against infringement by both.

Finally, the individual rights interpretation gives full meaning to the words chosen by the first Congress to reflect the right to keep and bear arms. The framers of the Bill of Rights consistently used the words "right of the people" to reflect individual rights--as when these words were used to recognize the "right of the people" to peaceably assemble, and the "right of the people" against unreasonable searches and seizures. They distinguished between the rights of the people and of the state in the Tenth Amendment. As discussed earlier, the "militia" itself referred to a concept of a universally armed people, not to any specifically organized unit. When the framers referred to the equivalent of our National Guard, they uniformly used the term "select militia" and distinguished this from "militia". Indeed, the debates over the Constitution constantly referred to the organized militia units as a threat to freedom comparable to that of a standing army, and stressed that such organized units did not constitute, and indeed were philosophically opposed to, the concept of a militia.

That the National Guard is not the "Militia" referred to in the second amendment is even clearer today. Congress has organized the National Guard under its power to "raise and support armies" and not its power to "Provide for the organizing, arming and disciplining the Militia". [65] This Congress chose to do in the interests of organizing reserve military units which were not limited in deployment by the strictures of our power over the constitutional militia, which can be called forth only "to execute the laws of the Union, suppress insurrections and repel invasions." The modern National Guard was specifically intended to avoid status as the constitutional militia, a distinction recognized by 10 U.S.C. Sec. 311(a).

Title 10, United States Code, Section 311 clearly defines the militia in the following way:

- (a) The militia of the United States consists of all able-bodied males at least 17 years of age and, except as provided in section 313 of title 32, under 45 years of age who are, or who have made a declaration of intention to become, citizens of the United States and of female citizens of the United States who are members of the National Guard.
- (b) The classes of the militia are -
 - (1) The organized militia, which consists of the National Guard and the Naval Militia; and
 - (2) The **unorganized militia**, which consists of the members of the militia who are not members of the National Guard or the Naval Militia.

Michigan Law then defines the militia in the following way:

The organized militia of this state collective shall be known as the state military establishment and constitutes the armed forces of this state. The organized militia consists of the army national guard, the air national guard, and the defense force when actually in existence as provided in this act. The **unorganized militia consists of all other able-bodied citizens of this state** and all other able-bodied citizens of this state who have or shall have declared their intention to become citizens of the United States who shall be age 17 or over and not more than age 60, and shall be subject to state military duty as provided in this act.

Clearly, the Michigan Militia Corps, as part of the unorganized militia of the State of Michigan, has its legal and historical grounds firmly established.

1. Charles Hollister, *Anglo-Saxon Military Institutions* 11-42 (Oxford University Press 1962); Francis Grose, *Military Antiquities Respecting a History of the British Army*, Vol. I at 1-2 (London, 1812).
2. Grose, *supra*, at 9-11; Bruce Lyon, *A Constitutional and Legal History of Medieval England* 273 (2nd. ed. New York 1980)
3. J.J. Bagley and P.B. Rowley, *A Documentary History of England 1066-1540*, Vol. I at 155-56 (New York 1965).
4. Statute of Winchester (13 Edw. I c. 6). See also Bagley and Rowley, *supra* at 158.
5. 7 Ed. I c.2 (1279).
6. Statute of Northampton (2nd Edw. III c. 3).

7. Rex v. Knight, 90 Eng. Rep. 330; 87 Eng. Rep. 75 (King's Bench, 1686).
8. E. G. Heath, *The Grey Goose Wing* 109 (London, 1971).
9. 19 Hen. VII c. 4 (1503).
10. 3 Hen. VIII c. 13 (1511).
11. 64 Hen. VIII c. 13 (1514).
12. 33 Hen. VIII c. 6 (1514).
13. Noel Perrin, *Giving Up the Gun* 59-60 (Boston, 1979)
14. Jim Hill, *The Minuteman in War and Peace* 26-27 (Harrisburg, 1968)
15. Charles Oman, *A History of the Art of War in the Sixteenth Century* 288 (New York, 1937).
16. William Blackstone, *Commentaries*, Vol. 2 at 412 (St. George Tucker, ed., Philadelphia 1803).
17. "An Act for Settling the Militia," *Ordinances and Acts of the Interregnum*, Vol. 2 1320 (London, HMSO 1911).
18. 8 Calender of State Papers (Domestic), Charles II, No. 188, p. 150.
19. 14 Car. II c. 3 (1662).
20. Joyce Malcolm, *Disarmed: The Loss of the Right to Bear Arms in Restoration England*, at 11 (Mary Ingraham Bunting Institute, Radcliffe College 1980).
21. Thomas Macaulay, *The History of England from the Accession of Charles II*, Vol. II at 137 (London, 1856).
22. Phillip, Earl of Hardwicke, *Miscellaneous State Papers from 1501-1726*, vol. 2 at 407-17 (London, 1778).
23. J. R. Western, *Monarchy and Revolution: The English State in the 1680's*, at 339 (Totowa, N.J., 1972).
24. *Journal of the House of Commons from December 26, 1688 to October 26, 1693*, at 29. (London, 1742). The Bill of Rights was ultimately enacted in this form. 1 Gul. and Mar. Sess., 2, c. 2 (1689).
25. Joyce Malcolm, *supra*, at 16.
26. William Hening, *The Statutes at Large: Being a Collection of All the Laws of Virginia from the First Session of the Legislature in 1619*, at pp.127, 173-74 (New York, 1823).
27. *Id.*
28. William Brigham, *The Compact with the Charter and Laws of the Colony of New Plymouth*, 31, 76 (Boston, 1836).
29. Oliver Dickerson, ed., *Boston Under Military Rule*, 61, 79 (Boston, 1936).
30. Steven Patterson, *Political Parties in Revolutionary Massachusetts*, at 103 (University of Wisconsin Press, 1973).
31. See Sprecher, *The Lost Amendment*, 51 A.B.A.J. 554, 665 (1965).
32. The most extensive studies of these militia proposals are John Macaulay Palmer, *Washington, Lincoln, Wilson: Three War Statesmen* (New York, 1930); Frederic k Stern, *Citizen Army* (New York, 1957); John Mahon, *the American Militia: Decade of Decision 1789-1800* (Univ. of Florida, 1960).
33. Merrill Jensen, ed., *The Documentary of History of the Ratification of the Constitution*, vol. 3 at 378 (Madison, Wisc.)
34. *Id.*, vol. 2 at 508.
35. Walter Bennet, ed., *Letters from the Federal Farmer to the Republican*, at 21, 22, 124 (Univ. of Alabama Press, 1975).
36. *Debates and other Proceedings of the Convention of Virginia, . . . taken in shorthand by David Robertson of Petersburg*, at 271, 275 (2nd ed. Richmond, 1805).
37. Noah Webster, "An Examination into the Leading Principles of the Federal States", at 56 (New York, 1888).
38. Johnathan Elliott, ed., *Debates in the Several State Conventions on the Adoption of the Federal Constitution*, vol. 2 at 97 (2nd ed., 1888).
39. Merril Jensen, *supra*, vol. 2 at 597-98.
40. *Debates and Proceeding at the Convention of the Commonwealth of Massachusetts*, at 86-87 (Pierce & Hale, eds., Boston, 1850); 2 B. Schwartz, *the Bill of Rights* 675 (1971).
41. *Documents Illustrative of the Formation of the Union of the American States*, at 1026 (Washington, D.C.,GPO, 1927).
42. *Id.* at 1030.
43. *Annals of Congress* 434 (1789).
44. St. George Tucker, ed., *Blackstone's Commentaries*, Volume 1 at 143 n. 40, 41 (Philadelphia, 1803).
45. William Rawle, *A View of the Constitution* 125-6 (2nd ed., Philadelphia, 1803).

46. Joseph Story, Commentaries on the Constitution, vol. 2 at 746 (1833).
47. Act of May 8, 1792; Second Cong., First Session, ch. 33.
48. Bliss vs. Commonwealth, 12 Ken. (2 Litt.) 90,92 (1822).
49. State v. Mitchell, (3 Black.) 229.
50. State v. Reid, 1 Ala. 612, 35 Am. Dec. 44 (1840).
51. State v. Buzzard, 4 Ark. 18, 27, 36 (1842). The Arkansas Constitutional provision at issue was narrower than the second amendment, as it protected keeping and bearing arms "for the common defense." Id. at 34.
52. Nunn v. State, 1 Ga. 243, 251 (1846).
53. Dred Scott v. Sanford, 60 U.S. 691, 705.
54. The most comprehensive work in this field of constitutional law is Steven Halbrook, the Jurisprudence of the Second and Fourteenth Amendments (Institute for Humane Studies, Menlo Park, California, 1979), reprinted in 4 George Mason L. Rev. 1 (1981).
55. Cong. Globe, 39th Congress, 1st Sess., pt.1, p. 474 (Jan. 29, 1866).
56. Id. at 478.
57. H.R. Rep. No. 37, 41st Cong., 3d sess., p. 3 (1871).
58. See generally Halbrook, supra, at 42-62.
59. Slaughterhouse Cases, 83 U.S. 36 (L873).
60. United States v. Cruikshank, 92 U.S. 542 (1876).
61. Presser v. Illinois, 116 U.S. 252 (1886).
62. Miller v. Texas, 153 U.S. 535 (1894).
63. United States v. Miller, 307 U.S. 175 (1939).
64. Id. at 178, 179.
65. H.R. Report No. 141, 73d Cong., 1st sess. at 2-5 (1933).

STRUCTURE

Since the state government no longer takes the responsibility of providing for the unorganized militia, and has apparently taken the stance that an armed populace trained in arms, prepared to defend the state in the event of unrest or invasion, and to assist in the event of emergency, is not useful, the MMCW has taken it upon itself to organize and set standards for participation in MMCW-related events.

The smallest defined unit in the Michigan Militia Corps, Wolverines is the Brigade. Each county in the state is assigned a brigade number, therefore, each county has only one authorized brigade. The general membership of the MMCW participates in the county's Brigade in which they reside. Brigade Commander and Executive Officer are elected by the general membership of a Brigade, and that Brigade Commander and Executive Officer then appoints his/her staff. The person who holds the position of Brigade Commander is given the rank of Lieutenant Colonel. The Executive Officer is given the rank of Major. All other Brigade staff are given the rank of First Lieutenant.

The next level of MMCW structure is that of Division. There are 9 Divisions in the MMCW, each consists of a varying number of brigades. The Brigades of a Division elect the Division Commander and Division Executive Officer. The Division Commander and Division Executive Officer act as a communications go-between for the Brigade Commanders and State Command. The person who holds the rank of Division Commander is given the rank of Colonel. The Division Executive Officer holds the rank of Lieutenant Colonel. All other Division staff are given the rank of Captain.

The highest level of structure is State Command. State Command consists of the State Commander, State Executive Officer and his/her staff. The State Commander can be nominated by a Brigade or Division Commander. An election is then held by secret ballot to determine if the nominated individual is then elected to the position of State Commander. There must be a majority of Brigades present in order to elect a new State Commander. The State Commander and State Executive Officer appoint their own staff and the State staff hold the rank of Major. The position of State Commander is that of Brigadier General. The position of State Executive Officer is that of Colonel.

For more information on membership requirement and the requirements of each position, refer to our Manual (included in this handbook).

FREQUENTLY ASKED QUESTIONS

1. Why a militia in these modern times?

The Michigan Militia Corps was formed in response to a perceived growth in indifference toward the Constitution of the United States on the part of elected officials. Statutes passed by Congress often have very little or no connection to the original powers delegated to Congress by the Constitution, not to mention the hundreds of thousands of regulations simply promulgated by federal agencies with no congressional oversight whatsoever. A federal agency simply needs to announce that it has created a new regulation, and it goes into effect automatically. It takes years to go through the legal system to even challenge a questionable regulation. Today's American Citizen must be responsible for knowing millions of lines of federal code, rules, and regulations. Not only is this extremely intrusive on the individual's ability to live a life reasonably free of governmental interference, but it is fast creating a police state where every facet of life is regulated by government.

To better present our grievances with governmental growth, the following is an excerpt from Doug Fiedor's "State of the Union" essay. It is copyrighted in 1998 and is used with permission.

Whatever happened to the Rule of Law?

Sure, we have all heard of it. But few Americans use the term "Rule of Law" anymore for a very good reason. Except for lawyers, not many of us have any idea what that term actually means. Worse yet, some of us don't really care what it means. The term is just not very useful for everyday conversation.

But we should care. There was a time, before about 1940, when nearly every American citizen knew exactly what Rule of Law indicated. And, they often demanded strict enforcement. You should be very familiar with the term, too. It pertains to something very precious to you: Your freedom. And today, we're desperately in need of a resurgence in good old fashioned freedom from government restraints.

One old political dictionary defines Rule of Law as "an Anglo-American concept that emphasizes the supremacy of the law and restricts the discretionary power of public officials. The Rule of Law particularly stresses the protection of individual rights from the arbitrary interference of officials." In other words, when applied correctly, it protects your personal freedom. Not the group rights the liberals and establishment media try to push, but our individual rights and liberties.

In *The Road to Serfdom*, Professor of Economics and Nobel laureate F. A. Hayek says of the Rule of Law: ". . . this means that government in all its actions is bound by rules fixed and announced beforehand -- rules which make it possible to foresee with fair certainty how the authority will use its coercive powers in given circumstances and to plan one's individual affairs on the basis of this knowledge."

Now do you see why we need to know more about the Rule of Law? Because it restricts the discretionary power of public officials. And yes, public officials are supposed to be controlled by something other than the vote. It is the what that is supposed to limit the actions of public officials that has become foggy in the minds of many of today's American citizens. Luckily, the basics are quick and easy to learn.

Years ago, we used to say that we have "a government of law and not of men." Back then, we expected our elected officials and bureaucrats to stay within the boundaries set down in the law. That is, Congress was not expected to pass unconstitutional laws, the President and the Courts were expected to strictly enforce the Bill of Rights, and your state and local officials would do only those things outlined by your state constitution and/or city charter.

That is what our grandparents expected. The rights and liberties of the individual citizen were supposed to be protected by government. But, that was years ago. This is now. And things have changed.

Today, there are so many things described as "rights" that the meaning of the word has been totally corrupted. A right is something which applies to everyone equally, like freedom of speech and religion. The word "permission" should be used when the activity is available to only a selected few -- such as licensing a special group, collecting welfare, etc. -- and can be revoked.

Among the protections citizens realize when they demand strict interpretation of the Rule of Law is the American concept of freedom. We all remember the words of Thomas Jefferson in the Declaration of Independence:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness."

Jefferson took a little editorial liberty with the phrase "Life, Liberty and the pursuit of Happiness." Consequently, if we modern Americans are to fully understand our own personal rights and liberties, this requires a little explanation.

Back in the days of the Founding Fathers, every family was said to have two well studied books in their homes. The most important best seller around 1775, of course, was The Bible. The second best seller in the Colonies was Blackstone's Commentaries on The Law, then a new three volume set on English common law.

For the Founding Fathers, Blackstone's Commentaries was the law book of the day. Of course, the writings of John Locke and others were freely quoted too. But, they were theory. Blackstone's was an accurately written description of the Law. Since then, it has been used in every English speaking law school in the world. Even today, a well read copy of Blackstone's Commentaries can be found in any American law library.

Thomas Jefferson, George Washington, James Madison, Alexander Hamilton, and Benjamin Franklin all studied Blackstone's Commentaries at length, as did all of the Founders. That is very evident in their writings. They quote and paraphrase the text extensively.

So, it is no surprise that the phrase written by Jefferson, in the Declaration of Independence, is derived from Chapter One of Book One of Blackstone's, titled Absolute Rights of Individuals. Blackstone describes the absolute rights of individuals as being our right to life, liberty and property. Jefferson took the editorial liberty of changing "property" to "pursuit of happiness," knowing full well that all Colonial Americans would understand exactly what was meant.

It is us, today's Americans, who seem to have a problem with that meaning. We Americans have lost the concept of true freedom because we no longer know exactly what our rights are. In today's United States, the word "rights" has been corrupted so completely that few Americans any longer know the difference between procedural rights, civil rights and our unalienable rights and liberties. However, the basics can be learned in less than a minute, so let's examine a little of Blackstone's original text.

Sir William Blackstone defines our absolute rights as "those which are so in their primary and strictest sense; such as would belong to their persons merely in a state of nature, and which every man is entitled to enjoy, whether out of society or in it." These rights have also been called natural rights by some.

Blackstone then breaks these rights down into three basic categories:

Life -- The Right of Personal Security: "This right consists of a person's legal and uninterrupted enjoyment of his life, his limbs, his body, his health and his reputation." Herein can also be found your right of self defense. Liberty -- The Right of Personal Liberty: "This consists in the power of locomotion, of changing situation, of moving one's person to whatever place one's own inclination may direct, without imprisonment or restraint, unless by course of law." We find this right protected, to a limited extent, within the body of our Constitution, and further guaranteed within the Bill of Rights. Property --

The Right of Private Property: "This is the third absolute right, and consists in the free use, enjoyment and disposal by a man of all his acquisitions, without any control or diminution, save only by the laws of the land."

Our Founding Fathers called these absolute rights unalienable -- incapable of being given up, taken away, or transferred to another. In Jefferson's first draft of The Declaration of Independence, the word was conventionally spelled inalienable. However, the newspaper editor among them, Benjamin Franklin, thought unalienable sounded stronger. And, as they say, the rest is history. Thus, the protection of Life, Liberty and Property -- our natural, absolute and unalienable rights -- became the underlying reason our country was formed.

There is, of course, a caveat here: As members of society, we are required to respect these rights in all others. Therefore, the most important reason we empower governments to make and enforce laws is to insure that every person respects these rights of other Americans.

The Federal Government is, of course, mandated to both respect and protect these rights for all American citizens. In fact, the Founding Fathers intended that the Federal Government have no power to violate any of the individual rights, only to protect them. Towards this end, the body of our Constitution was carefully crafted by the Founding Fathers to allow the central government only certain enumerated powers. Although it may not seem like it today -- with our hundreds of thousands of pages of imposing laws, rules and regulations -- the powers of the federal government were intended to be few, and the freedoms of citizens were contemplated to be many.

The basic reasons our federal government was formed can be found outlined in the Preamble to our Constitution, which reads in part:

". . . to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity . . ."

In other words, the expressed intent of forming a central government was to insure a free, peaceful country in which to live, work and raise a family.

Notice anything in the Preamble about regulating We the People into submission? Of course not! Nor will you find anything within the body of the Constitution. Furthermore, judging by the extensive writings of the authors of our Constitution, that type of authority was expressly forbidden to the Federal Government. It is hard to believe today, but all policing powers (except for very few, such as treason, piracy and counterfeiting) were intended to be left to the states.

It was the Federal Government's duty, then, to not violate the unalienable and Constitutional rights of the citizens. And, generally speaking, it was the duty of the States to protect these rights. But, as we said above, that was then, and this is now. Yet, there have been no changes to the Constitution altering that arrangement. So, the changes must have come about by other means.

Still today, the Rule of Law demands strict obedience of our United States Constitution by all public officials. Should we be surprised, then, that many of today's public officials find that term embarrassing, and even repulsive?

It is because we Americans no longer study these most basic tenants of human rights that we are losing them. After all, how may we demand our individual rights be protected if we no longer know exactly what they are? Consequently, we have developed a collectivist society. A society in which group rights supersede individual rights. A society in which the Marxist theory of "from each according to his ability, to each according to his need" is usurping the original American ideal of individual productivity and individual responsibility.

The idea of group rights, group protections, and special permissions for certain groups, is repugnant to the ideals set down in our Constitution. The American ideal professes equal rights and liberties for all, never special rights

for any. But, along with equal rights come equal responsibilities. And, accepting responsibility for ones own actions is, in a nutshell, exactly what the liberals among us are loath to accept.

Now that you have a general idea of the basic intent of the Founding Fathers, we can move on to the methods used by the bureaucracy to supplant our "unalienable" and Constitutional rights. At this point, it is suggested that you actually read our United States Constitution and take the time to become especially familiar with Sections 8 through 10 of Article I, and the Bill of Rights.

The Usurping of our Unalienable Rights

For the last sixty-five years, our federal government has continually exhibited two very important predispositions: These are a strong propensity towards steady growth, and the accumulation and centralization of political power.

Of course, all of this growth and accumulation of power in Washington comes from one source: We the People. This is because, to put it simply, here in the United States all power legally originates with the people. Put another way; government cannot take a right away from us unless We the People relinquish it.

Years ago, we called the ability to do as we wished "freedom." And, back then, about the only caveat on our freedom was that we did not bother others with our actions. But about eighty-five years ago, this began changing. That is, starting about 1913, the federal government began to centralize political power and hence, control over the people.

The Founding Fathers designed a central government with authority to conduct only eighteen basic functions. Their expressed intent was that any powers not specifically delegated to the central government by the Constitution were deliberately left to the states in general, and to the people in particular. The Founders knew very well that every law, rule, and regulation passed by the central government would decrease the rights and liberties of the people -- your personal freedom. Therefore, they were very careful to give the national government only those powers necessary for the country to function effectively as a unit.

That has all changed. Today, freedom in these United States is more or less a relative thing. Today's freedoms include only those actions Congress and the regulatory bureaucracies wish to allow to the people. That is, an American citizen is allowed to do something only until Congress, or one of the administration's regulatory agencies, decides to forbid it. Exactly how most of this happened will be addressed later.

And what of those eighteen powers given to the federal government by our Constitution? One, the regulation of money, has been totally abdicated to a semi-private corporation known as the Federal Reserve System. And, two others -- the protection of our borders and the proper operation of the city of Washington, D.C. -- have become utter failures.

George Mason University Professor of Economics Walter Williams writes that these eighteen duties mandated to the federal government by our Constitution would account for approximately one-third of the federal budget. The other two-thirds of the federal budget is, therefore, "extra-Constitutional" spending. In other words, two-thirds of the hard earned money we are forced to send to Washington every year is spent by the federal government with no Constitutional authority.

So too with many laws passed by Congress. Today's Congress legislates on even the most basic of human functions. One day it was how fast we will be allowed to drive our automobiles. Another day it was what we will be allowed to view on television. On yet another day it was what we would be allowed to transmit over our telephone or via computer networks, and send though the mails. Most recently, it's regulating how much water each personal toilet may use per flush and how senior citizens may spend their own personal money for medical care. Among the most humorous, though, was a discussion of how toilet paper was to be manufactured and marketed.

The point is that if certain members of today's Congress can contemplate something affecting human existence, chances are quite good that they will also attempt to regulate it. Complicating the problem is the fact that the

federal regulatory agencies are now allowed to pass laws (regulations) on their own volition. Worse yet, these unelected federal bureaucrats are now even levying taxes on the American public, with no comment from Congress.

"How can they do that?" seems to be a popular question nowadays. Which should be stated more correctly as, where did they find the authority to legislate on that subject? Congress makes up their own authority as they go along, is the only completely correct answer. Congress invents its own authority. And now, so do the regulatory agencies.

Often, Congress starts by legislating on a matter that might actually be useful and desirable, but just borders on being outside the authority given by the Constitution -- like welfare, for instance. If the people do not complain too loudly, and the courts do not immediately knock it down, they then carry it on ad nauseam. And, as in the case of welfare, they tend to continue adding to the law every year, until its original intent is utterly corrupted, and the whole system becomes a total affront to our Constitution.

Contrary to popular belief by many in Washington, the term "Federalism" does not mean that the federal government is to control everything. The states were intended to have most policing powers, the central government very few. Were the Ninth and Tenth Amendments to the Constitution enforced with the vigor of the First, this situation would be rectified immediately. Instead, our country is infected by a quagmire of many thousands of often conflicting federal laws, rules and regulations.

It is also disturbing that there are so many volumes of ever-changing federal law that no single person can ever learn it all. On top of that, there are two-hundred and some thick books of poorly written regulations, most of which also come with severe civil and criminal penalties. These regulations are enforced by ninety-some federal agencies, all of which are continually working on hundreds of new rules and regulations.

In fact, unelected federal bureaucrats now write so much law that, on average, it totals 70,000 pages of small print in the Federal Register annually. And, because ignorance of the law is not an acceptable defense, this is law that all Americans are required to know and obey. Clearly, the federal regulatory bureaucracy is out of hand.

Worse, many federal regulatory agencies use a recently invented power called the "General Duty clause." This allows regulators to invent a regulation, on the fly, when they come upon a specific circumstance that they do not have a standard regulation to fit. In other words, citizens can no longer only rely on the written law. Americans must also be able to read the minds of the regulators in order to conform to federal regulations. Obviously, the federal government has gone far afield from the rule of law on which this country was founded. Today's federal government is more akin to regulatory despotism.

This is further complicated by the diabolical attitude of those entrusted with enforcing the law. For instance, during Attorney General Janet Reno's Senate confirmation hearings, she was heard agreeing with (then committee chairman) Senator Joseph Biden that "ignorance of the law is no excuse." In other words, she (or Biden) does not need to personally know all the laws (no single person can), but we citizens can be imprisoned if we do not obey them all.

And that is exactly the problem in a nutshell.

The analogy is that of a one way street down that slippery slope of justice; a road which contains many turns of unexpected consequences, and eventually leads down to the state of tyranny. For, when the volume of law enacted by government far exceeds the ability of the governed to comprehend, there is, in effect, no law. The unexpected consequence, then, is selective tyranny.

In The Federalist Papers No. 62 James Madison admonishes:

"It will be of little avail to the people that the laws are made by men of their own choice if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what

the law is today, can guess what it will be tomorrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed?"

Today's federal government is quite obviously not the government intended by our Founding Fathers...

2. Who controls the Michigan Militia Corps, Wolverines?

Many anti-militia organizations like to say that organizations similar to the MMCW are "private" militias, creating their case for militia illegitimacy. The fundamental flaw of this argument is that "private" connotes a limited membership potential. The MMCW, in adhering with the legal definition of "unorganized militia" (see section 1), is a public organization. The general public is welcome to join, without regard to race, religion, or social standing. All commanding officers of the MMCW are elected by the general membership, either directly or indirectly. The MMCW is no more private than a governmental entity.

The MMCW is headed by the State Commander and his/her staff. There is no *real* dictatorial control over the general membership of the MMCW, the position of State Commander is more of a communications coordinator than a military commander. The State Commander's staff is simply there to contribute their abilities to the office and assist in the efficient coordination of MMCW activities.

Similarly, Division Commanders exist to facilitate communications between other divisions and divisional Brigades. A Division Commander knows the terrain and interests of the local Brigades and can perform the job accordingly. Brigade Commanders and staff decide which situations to participate in, in consultation with Division Commanders.

3. Aren't MMCW members just a bunch of Army wanna-bees?

Hardly. Even though MMCW Divisions hold training for emergency and survival situations, those who are conducting the training typically have prior military service. In actuality, a large number of MMCW members are prior military and contribute their skills to those who do not have military experience. It has come to our attention that people are actually choosing MMCW membership over membership in one of the US armed forces because of low morale and lack of true direction present in today's "global police" military. MMCW membership has become a viable alternative for those who wish to contribute their time on a voluntary basis to support and defend the state and nation.

4. Are MMCW members required to own firearms?

MMCW members may own as many, or few firearms as he/she wants. There is no requirement in MMCW regulations that a member own a firearm, it is entirely up to the individual's personal beliefs.

5. Does the MMCW condone terrorism?

The MMCW absolutely condemns terrorism and similar violent acts. Such activity will not be tolerated within the MMCW membership, and if such activity is discovered, the offending members will be removed from their positions and local law enforcement will be alerted.

Only lunatics, including those in government, destroy buildings full of men, women, and children. The militia is a dedicated group of citizen patriots who volunteer their time and energy to further the cause of freedom. The only thing we blow to pieces are bowling pins; and if we are ever attacked by them, we will win! (Bowling pins are commonly used for target practice at militia training.)

6. Does the MMCW condone racism?

No. The true definition of "unorganized militia" includes all Citizens of Michigan. All citizens means all, regardless of race, religion, sexual orientation, gender, political affiliation or social standing. However, we do not allow those convicted of a violent felony to join the MMCW.

7. Is the MMCW anti-government?

Many anti-militia people like to spout the phrase "anti-government." This could not be farther from the truth. In fact, militia members hold the belief that government is indeed necessary, and without it there would be total chaos. However, we also believe that government should be limited, that each individual should have the right to do whatever he or she pleases, as long as the rights of another are not infringed. This sounds logical enough, but today's society is riddled with "victimless" laws.

We believe in a strict construction of the Constitution, which means that we believe that the power of Congress should be limited to the 18 powers it was specifically delegated in Article I, Section 8 of the Constitution.

8. Is the MMCW a religious organization?

Religious discussions are kept to a minimum at MMCW meetings due to the fact that everyone has their own religious beliefs. The purpose of the MMCW is to stand up for people of all religions and races. We do not discriminate on basis of belief.

9. What good does the militia do? What is your contribution to society?

The militia fulfills a long established American tradition as the ultimate and final guarantor of freedom; it establishes that as a free people we are ready, willing and able to defend our lives and country.

We hold informative monthly meetings, update those in attendance on topics such as: pending legislation, civic activities, current events, safety bulletins; and we offer training opportunities in the areas of: weapons safety, CPR, first aid, land navigation, and other useful field techniques.

We strongly encourage everyone to vote and become involved in the safeguarding of rights within their local communities. We believe that the educated, responsible citizen is the best possible guarantee of all our freedoms.

Each county/brigade assists in local search-and-rescue, and disaster relief from natural or man-made disasters such as tornados, floods, car accidents, plane crash, etc. They are also encouraged to take on an adopt-a-highway or food drive or other community charitable work.

10. What kind of training do militia members take part in?

The following is a training outline being adopted by state command:

I. WHAT: Organize a local, Constitutional, citizens' militia unit; well trained and regulated volunteers to become proficient in a number of skills and disciplines. These include marksmanship, intelligence gathering, field tactical and survival skills, physical endurance, and strength conditioning. All militia units should strive to become a positive example in their community, neighborhood, or township.

II. WHY: To have a trained, well prepared, and accountable group of local militiamen prepared to defend one another's family, property, and freedoms should any external threat present itself.

III. WHEN: According to the training schedules issued. Monthly training sessions and supplemental (or specialized) training will be held at appointed locations and times.

IV. WHERE: Meetings for training, field exercises, and other forms of instruction will take place at appointed locations in the local county or township region. All or most of these locations should be within a reasonable distance of all militia members.

V. HOW: Using designated training locations, facilities, and logistic al support, militia members will be lead through a regimen of classroom instruction, hands-on skill development, field, tactical, and physical training.

VI. WHO: Militia members to participate will be designated with the approval of the unit membership and the Commander. The Commander will designate appropriate guest instructors and speakers, when appropriate, as the training schedule and opportunities permit.

**HISTORIC PERSPECTIVE, PURPOSE, HERITAGE, AND UNDERLYING PRINCIPLES.
EDUCATING THE HEART, MIND, AND CHARACTER;**

- a. History of the Militia in America [Galvin; The Minute Men, Fast; April Morning...]
- b. Current events in perspective to our Constitutional freedoms.
- c. The Judeo-Christian influence rooted in our founding fathers.
- d. Community, character, commitment, and covenants.
- e. The Constitution and Declaration of Independence; their origins and authors.
- f. Recent history of developments in Western culture. Current local, national, and world events. [D. Hall; OMINOUS PARALLELS.]

LEADERSHIP TRAINING, PLANNING, AND ORGANIZATION;

- a. Principles, traits, and characteristics of leadership.
- b. Operational planning; the operation order.
- c. Delegation of tasks, follow-up.
- d. Training; tasks, conditions, standards.
- e. Train the trainers; learning to teach and instruct fellow militia members.

PHYSICAL CONDITIONING, TO INCLUDE PHYSICAL STRENGTH, ENDURANCE, AND MENTAL TOUGHNESS;

- a. Strength; push-ups, sit-ups, chin-ups, rope climbing...
- b. Endurance; running, hiking, marches, relay exercises, snow shoeing...
- c. Decision making and skill execution under physical stress.

PATROLLING, INFANTRY, AND FIELD TACTICAL SKILLS;

- a. Principles of movement, routes of travel, danger areas, evasion.
- b. Cover and concealment, sound and light discipline.
- c. Field preparation of equipment; seasonal and climatic considerations.
- d. Communication; tactical considerations.
- e. Night and all-weather operational considerations.
- f. Patrol base organization, set-up, and operations.

SURVIVAL (FOOD, SHELTER, WATER, COLD/HOT WEATHER) SKILLS;

- a. Equipment, considerations in a tactical environment.
- b. Basic necessities integrated with tactical planning.
- c. Planning to package and move essentials to sustain an entire family.

MARKSMANSHIP, FIREARM SAFETY, AND WEAPON MAINTENANCE SKILLS;

- a. Safety, first priority.
- b. Developing and improving shooting skills under various weather conditions.
- b. Weapon and caliber applications, selections.
- c. Weapons cleaning, maintenance and upkeep in different climates.
- d. Principles of marksmanship and effective target engagement.

COMMUNITY AFFAIRS AND SERVICE;

- a. Develop Militia members into local communities, townships and county levels of government. Build public approval of the militia by setting a positive example.
- b. Educate the community about the Constitutional militia and its heritage.
- c. Develop a working relationship with local government and law enforcement, to include volunteer manpower to assist local sheriff departments.
- d. Help and inform neighbors how to provide for their physical security and protect themselves and their homes from crime.

It is also recognized that not all members are capable or willing to engage in some types of training. It is at the discretion of the Brigade Commander which members participate in which levels of training. Different staff members have different roles, therefore they will have different training.

11. What is the uniform for Michigan Militia Corps, Wolverines members?

By wearing our uniforms, we identify ourselves as members of a positive, patriotic and responsible organization. In addition, the Geneva Convention and other laws require that all militias must have uniforms with insignia to designate them as such.

The uniform consists of a standard woodland or multi-cam camouflage BDU or ACU set. A khaki or foliage green T-shirt is worn underneath the blouse. The subdued Michigan State Flag patch is worn on the wearer's right shoulder. The patch with the member's Brigade and Division numbers are worn on the wearer's left shoulder. The member's name tape, with last name, goes over the wearer's right pocket, and the name tape with "M.M.C.W." goes over the wearer's left pocket.

Members' rank is worn in a similar fashion to US Army rank. Commanding Officers and Executive Officers wear rank on the right collar, parallel with the end of the collar, and the infantry crossed rifles are worn on the left collar, also parallel to the collar end. Other staff replace the crossed rifles with an appropriate insignia pin that corresponds with their position.

MILITIA OFFICER TITLE	COROSpondING ARMY OFFICER INSIGNIA
INTELLIGENCE	(military intelligence)
GROUND OPERATIONS	(armor)
AIR OPERATIONS	(aviation)
SPECIAL OPERATIONS	(special operations)
SECURITY	(military police)
TRAINING	(infantry)
SUPPLY	(quartermaster)
TRANSPORT	(transportation)
MEDICAL	(medical corps)
COMMUNICATION/ELECTRONIC	(engineer)
INFORMATION	(signal corps)
CHAPLAIN	(chaplain)
TREASURER	(finance)

The uniform is only worn to MMCW functions, training, and meetings.

12. What is the full name of the MMCW?

The MMCW's full name is:

Michigan Militia Corps, Wolverines

Also, each of the 9 Divisions in the MMCW has its own name. See question number 14.

13. Why was the name "Wolverines" chosen for the MMCW?

The Wolverine is Michigan's state animal. The following description of a wolverine comes from the Wolverine Foundation home page:

"The wolverine (*Gulo gulo*) earned its place in North American folklore long before north-country trappers and a few over-zealous naturalists began to spin tales of a beast of great ferocity, cunning, and extraordinary strength. Indian mythology describes the wolverine as a trickster-hero, and a link to the spirit world. Still, even today the wolverine remains largely a mystery."

14. What is the name of each of the 9 Divisions in the MMCW?

As stated in question number 12, the MMCW was originally divided into 4 Divisions, named as follows:

1st Division: Superior Michigan Regional Militia - This division encompassed the entire upper peninsula of Michigan and is named for Lake Superior.

2nd Division: Northern Michigan Regional Militia - This division encompassed the Northern portion of the lower peninsula of Michigan.

3rd Division: Central Michigan Regional Militia - This division encompassed the central portion of the lower peninsula of Michigan.

4th Division: Southern Michigan Regional Militia - This division encompassed the Southern portion of the lower peninsula of Michigan.

The MMCW is currently divided into 9 Divisions, which are below:

The names of each division are as follows:

1st Division: Superior West Michigan Militia

2nd Division: Superior East Michigan Militia

3rd Division: Northern West Michigan Militia

4th Division: Northern East Michigan Militia

5th Division: Central West Michigan Militia

6th Division: Central East Michigan Militia

7th Division: Southern West Michigan Militia

8th Division: Southern Central Michigan Militia

9th Division: Southern East Michigan Militia

15. Why don't you hold political rallies or try to elect your own candidates?

The militia is a citizen based defensive organization. It is not our purpose to become a political party or promote any candidate for elected office.

While we encourage citizen involvement in the political process, it is always up to each individual to make decisions regarding their voting and other political activities. We intentionally separate our group militia activities from our individual political beliefs, because politics is controversial in nature and would only serve to damage the cohesive quality of our unit.

16. Are there women in the militia?

Yes, they are some of the most dedicated patriots you will ever meet. We do all we can to make the women, and families for that matter, welcome at our meetings or any activity. Come out and we'll prove it.

17. Is militia activity legal?

Yes, we all have the inalienable rights of self-defense; to keep and bear arms; freedom of speech; and to peaceably assemble. These cover the majority of militia activities. The Constitution of the United States prohibits government, at any level, from interfering or infringing on these rights.

Additionally, the Geneva Convention, Hague Protocols, International Law, Laws of Land Warfare, as well as Michigan State Law and Federal Law, all specifically provide for citizen militias, with or without state recognition.

18. Is the government going to target me if I join the militia?

Unfortunately, we cannot answer this question for you, we can only speculate. You will have to ask the government, as we do not speak for them. However, the fear behind this question should compel you to at least look into the patriot movement.

19. If you say the militia is legal, why doesn't the media support you?

The undeniable fact that the militia is legal is irrelevant in regard to media support, whether that support is pro or con; they have absolute control over the truthfulness, context, completeness and objectivity of their work.

Unfortunately we cannot answer this question, you will have to ask the media, as we can only speculate.

If you are asking this question there is obviously something enormously wrong; it places emphasis on the fact that people are fearful of government reprisal for engaging in legal activities. Law-abiding American citizens participating in legal activities are afraid of their government!

20. Why do you train like the military?

United States Constitution, 2nd Amendment states, "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."

We take the words "well regulated" seriously. If we ever need to use the skills we have learned, we will be able to do so proficiently. The medical and firearms training our members receive is always important.

There is another, lesser-known reason; in the Michigan Compiled Laws, there is a provision for the Michigan Defensive Force. In the event of the Michigan National Guard being called into active federal duty, the citizens comprising the MDF that have been militia members will be well trained and competent.

21. Are you militant?

No, the nature and purpose of a citizen militia is defensive and concerns itself with the preservation of Life, Liberty and the pursuit of Happiness. We may be regarded as serious and ever vigilant, but we are not militant.

However, there are individuals or groups that claim to be militias that are determined to be engaged in combat and are aggressively active. These individuals or groups are not militias – they are militant.

22. The members of the Army, Navy, Air Force, Marines, Coast Guard and the state and local police are all sworn to protect and uphold the Constitution. Why do we need militias or even armed citizens?

As Americans, it is "everyone's" responsibility to uphold and defend the Constitution; this is a requirement of a free people.

The militia is needed as the absolute last line of defense against any threat, whether natural or man-made, foreign or domestic; it is everyone's responsibility to be prepared to protect and defend state and country.

As to the need for armed citizens, as a human being you have the right to live for your own sake, and while living, you are responsible for defending the life of you and yours.

It is irresponsible, unwise, cowardly, and just plain un-American to deny these responsibilities.

"If a people expect to be ignorant and free, they expect what never was and never will be." - Thomas Jefferson

23. Why do you need military equipment? (mre's, gas masks, bayonet lugs, etc.)

In order to fulfill our possible legal obligations under the previously mentioned laws, and out of a sense of duty and responsibility, these items are necessary for the training we participate in. They aid us in self-defense.

Most gear is recommended because we train and prepare for a wide range of emergencies, including natural or man-made disasters, or threats from foreign or domestic power. Some of our recommended supplies will probably not be used regularly, but it is always better to be safe than sorry.

24. Why can't you just have your guns, believe what you want, and not be so radical?

"The Constitutions of most of our states (and of the United States) assert that all power is inherent in the people; that they may exercise it by themselves; that it is their right and duty to be at all times armed." - Thomas Jefferson

"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." - United States Constitution, Second Amendment

"Every person has a right to keep and bear arms for the defense of himself and the state." - Constitution of the State of Michigan, Article I, Section 6

In direct contradiction to the above laws, the government has made "owning our guns and believing what we want" illegal. The above is clear in both intent and wording; this is not an opinion, it is a fact.

The militia is not radical, we are very concerned however, that our elected public servants in government are not following the Law as provided in the Constitution. These and other violations of the Bill of Rights are more numerous every day; the constitutionally limited Republic of our forefathers has been stolen and replaced with a representative democracy. Democracy is tyranny by majority; that is a bad thing.

"There can be no compromise on moral principles. In any compromise between food and poison, it is only death that can win. In any compromise between good and evil, it is only evil that can profit." – Ayn Rand in "Atlas Shrugged"

25. Why do you need to have assault weapons?

This question assumes that we have assault weapons; we do not. Assault weapons are "select-fire" weapons, which means they can fire either semi-automatic (one trigger pull, one bullet comes out) or fully automatic (one trigger pull, lots of bullets come out); this select-fire ability is the defining factor of an assault weapon.

Any weapon that can fire fully automatically has been illegal for private citizens since 1933. Private citizens cannot own them, only military and law enforcement are allowed to have them.

The militia uses civilian variations of these weapons, which are the highest technology available to us, and are semi-automatic. Our "big, black, scary-looking guns" are not big, nor scary; they are just black. They are simple to operate, field efficient, easy to clean, accurate, and commonly available, and are almost universally chambered in a .223 or 7.62 caliber; which is smaller and less powerful than a 30-30 or 30.06 caliber, which are common hunting rounds.

26. Are you going to revolt or riot?

No to both. We in the militia would rather see a revolt at the ballot box than the bullet box.

During the riot in Los Angeles, we saw criminals, not freedom-loving patriots, looting stores and beating truck drivers.

27. Are you survivalists/preppers?

No, the militia is an open, all-inclusive type of organization and we are not prone to the typical isolationist attitude of most survivalists and preppers. In the event of an emergency or crisis, the militia will stay to assist or defend our neighbors, communities, and state; whereas a survivalist or prepper will run to the hills and hide.

28. Do you train to kill people or make bombs?

No. We train with weapons to be able to defend ourselves. The only place you can be trained to kill people is in the military and certain government agencies. We do not train to make any weapon of mass destruction of any type. Our whole tactical and logistical table of organization is defensive in nature: to defend ourselves, our families, our communities, and our state.

29. Who in your command structure decides when you fight or kill?

First, in the context of a militia force fighting against a foreign enemy, Congress gave itself the power to decide when the militia was pressed into service. Article 1 Section 8, US Constitution states, "The congress shall have the power... to provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions..." We also know of the possible duty in the Michigan Defensive Force, in which case the Governor would be Commander in Chief.

Secondly, in the context of militia action against a domestic enemy, the highest officer in the Michigan Militia does not have the authority to order any member, of any rank, to come to a monthly meeting, let alone shoot at someone. That decision is left solely to the individual citizen.

30. What do you do to keep racists, terrorists, zealots, or wackos of any stripe out of the militia?

We do not welcome anyone who espouses inconsistent, illogical hatred or violence of any sort. We aim to make anyone who would oppress, by word or deed, as uncomfortable as possible. Officially, we will "suffer the fool"; say what you will, but don't be surprised to be ridiculed by our members. We believe the right of free speech extends to allowing you to make a complete fool of yourself in front of a group of motivated patriots; you will receive the evil eye from the whole of the membership and will be given a rock under which to crawl.

31. What would you do if, tomorrow, the President, Governor, Sheriff, ATF, FBI or Hillary Clinton decides to outlaw the citizen militia?

They can't! In order to outlaw the citizen militia, they would have to do away with the inalienable rights of freedom of speech, to keep and bear arms, and to peaceably assemble, among others. In addition, none of those entities have the power to make laws, only Congress and State Legislatures can pass laws, and they don't have the authority to deny any inalienable rights.

This question underscores the importance and necessity for the militia as the final guarantor of freedom and final guard against a corrupt central government. They can't outlaw inalienable rights, no matter how hard they try

32. Isn't the concept of the militia, as it is provided for in the Constitution out of date? (It is over 200 years old.)

No, the intent of the framers of the Constitution was that the militia was to be the primary defensive force for this nation. They wanted normal, everyday average citizens to be the foundation of the militia. In the Federalist Papers, they explained that by arming the whole of the citizenry, the militia would constitute a force superior to any that could be raised by either a foreign enemy or a domestic tyrant. The modern citizen militia consists of responsible concerned patriotic individuals.

We do not consider ourselves or our beliefs out of date; being concerned with protecting your inalienable individual rights is not out of date; standing up for freedom of speech is not out of date; standing for what the

Founding Fathers fought and died for: Life, Liberty and the pursuit of Happiness, is not out of date; the need to reduce the interference and cost of government is not out of date. Despite the passing of over 200 years, the truth still holds; the price of Freedom is eternal vigilance.

Note regarding the Constitution or its Amendments being considered out of date: The government doesn't think it is. The 27th Amendment, concerning the compensation to Senators and Representatives, was ratified in 1992; 202 years 8 months after it was originally sent to the states. This particular Amendment was part of the original package of amendments as proposed in 1789, ten of which were ratified in 1791, commonly known as the Bill of Rights and includes the 2nd Amendment.

33. Why should I get involved?

It is the responsibility and duty of every American citizen to get involved. Your duly elected local, state and federal representatives will day after day, year after year, continue to pass unconstitutional laws, raise your taxes beyond the point of serfdom, claim authority over your children, take your property, jail you for pretended offenses, send our military to fight foreign wars, protect you from yourself, etc, unless you get involved.

We need your involvement to let those in government know that THEY work for US, not the other way around. The more people that get involved, the more America will resemble what the Founding Fathers had in mind when they spoke of Life, Liberty, and the pursuit of Happiness.

"They that would give up essential liberty for a little temporary safety deserve neither liberty nor safety." - Benjamin Franklin

34. What can I do?

Turn off the television. Read the Constitution and Declaration of Independence. If, perchance you lost your copy of these essential documents--a must for every household, go to your local bookstore and buy them; or, we can provide them for you. Read the Constitution, learn the history, read the Federalist Papers, develop an understanding of how the country was intended to be and then look at what has become of freedom in this country. To uphold and defend the Constitution of the United States, you have to understand it.

Read the Constitution, learn it, know it, assert it. It is the document that sets the rules that our government MUST follow. If you don't know the rules, you cannot expect the government to follow them!

Then contact your local Militia County Commander, come to a meeting. There can be no gain from watching television. There can be no gain from complaining or grumbling. There can be no gain from hiding your head in the sand. GET INVOLVED!

"If ye love wealth better than liberty, the tranquility of servitude better than the animating contest of freedom, go home from us in peace. We ask not your counsel or arms. Crouch down and lick the hands which feed you. May your chains set lightly upon you, and may posterity forget that you were our countrymen." - Samuel Adams, debates of 1776