

It Is Time To Reclaim The True Pennsylvania Militia!

“A well regulated Militia, being necessary to the security of a free State,” is how the Second Amendment of the “Bill of Rights” in the Constitution for the United States of America starts.

Article I, Section 8, Clauses 15 and 16, in this Constitution, specify the only authorities delegated to the federal government with respect to militias. After starting with the words: “The Congress shall have Power”, Section 8 states eighteen explicit clauses. Clauses 15 and 16 state, respectively, the following:

Clause 15: “To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;” and

Clause 16: “To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;”

Clause 18 states, in the relevant part: “To make all Laws which shall be **necessary and proper** for carrying into Execution the foregoing Powers, ...” (This is the “implementation phrase” for Section 8.)

The Militia Acts of May 2, 1792 (“authority of the President to call out the Militia”) and of May 8, 1792 (“federal standards for the organization of the Militia”) provided the “necessary and proper” federal legislative authority to implement Causes 15 and 16 presented herein above.

The authority to call forth the militia was first invoked by George Washington to put down the “Whiskey rebellion” in Western Pennsylvania in 1794, just before the law granting that authority expired. The U.S. Congress quickly passed the Militia Act of 1795, which was nearly identical to the 1792 Act. The 1795 Militia Act remained unchanged until it was amended by the Militia Act of 1862, which allowed African-Americans to serve in the militias when in the service of the United States.

Militias are, and always have been, institutions of the separate States. For example, the 1776 Constitution of the Commonwealth of Pennsylvania states the following with respect to the Militia:

Section the Fifth. The freemen of this commonwealth and their sons shall be trained and armed for its defense under such regulations, restrictions, and exceptions as the general assembly shall by law direct, preserving always to the people the right of choosing their colonels and all commissioned officers under that rank, in such manner and as often as by the said laws shall be directed.

On September 2, 1790, following the ratification of the original Constitution for the United States of America on June 21, 1788 and the ratification on March 10, 1790 of the “2nd Amendment by the General Assembly of Pennsylvania (and the rest of the “Bill of Rights”), a new Constitution of Pennsylvania was formally proclaimed following nearly two years of unlawful efforts by attorneys to accomplish this. With respect to the militia, Article VI of the “1790 Constitution of Pennsylvania” states:

Sec. 2. The freeman of this commonwealth shall be armed and disciplined for its defense. Those who conscientiously scruple to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service. The militia officers shall be appointed in such manner and for such time as shall be directed by law.

The Militia provision was changed slightly in the 1838 and the 1874 Pennsylvania Constitutions. It is reported by those in our State government today that the name of the Pennsylvania Militia was changed to the “Pennsylvania National Guard” in 1870. However, the Constitution of 1874 authorized the Pennsylvania Militia in Article XI (renumbered from the 1790 and 1838 Art. VI) by stating:

MILITIA

Section 1. **Militia to be Organized, Maintained, Exemption from Service.**

The freemen of this Commonwealth shall be armed, organized and disciplined for its defense when and in such manner as may be directed by law. The General Assembly shall provide for

maintaining the militia by appropriations from the Treasury of the Commonwealth, and may exempt from State military service persons having conscientious scruples against bearing arms.

History records that the name change of the State militias to “National Guard” actually dates back to when Marquis de Lafayette, who had fought in our War for Independence and then the French Revolution, visited the United States again during 1824 and 1825. At that time, the 2nd Battalion, 11th New York Artillery decided to rename itself the “National Guard” to honor Lafayette’s *Garde National de Paris*. During and after the War Between the States, militias increasingly adopted the name of “National Guard” of their home State.

From its founding until the early 1900s, the United States of America maintained only a minimal army and relied on State militias to supply the majority of its troops. As a result of the failure of many States to authorize their militia’s involvement in the Spanish-American War in 1898, Congress was called upon to reform and regulate the training and qualification of State militias. The passage of the “Dick Act” in 1903 marked the unconstitutional beginning of the “federalization” of the militias. This “Act” required the States to divide their militias into two sections. The “law” recommended the title "National Guard" for the first section, known as the organized militia, and "Reserve Militia" for all others. Amendments of the “Dick Act” in 1908 and 1916 increased the alleged control of both militias by the U.S. Government.

During World War I, Congress authorized the States to maintain Home Guards, which were “reserve forces” outside the National Guards being deployed by the Federal Government. The Secretary of War was authorized to furnish these “reserve force” units with rifles, ammunition, and supplies during World War I.

In 1933, Congress finalized the split between the National Guard and the traditional State militias by mandating that all federally funded soldiers take a dual enlistment/commission and thus enter both the State National Guard and the newly created National Guard of the United States, a federal reserve force. In 1940, with the onset of World War II and as a result of its federalizing the National Guard, Congress amended the National Defense Act of 1916, and authorized the States to maintain "military forces other than the National Guard." This “law” authorized the War Department to train and arm the new military forces that would come to be known as State Guards (Today’s “State Defense Forces.” - Title 32 USCA 109). Many States took advantage of this “law” and maintained State military forces throughout the war to defend their own territories, shorelines, and airspaces.

The alleged 1968 Pennsylvania Constitution, Article III, “C. NATIONAL GUARD” provision states:

Section 16. National Guard to be organized and maintained.

The citizens of this Commonwealth shall be armed, organized and disciplined for its defense when and in such manner as may be directed by law. The General Assembly shall provide for maintaining the National Guard by appropriations from the Treasury of the Commonwealth, and may exempt from State military service persons having conscientious scruples against bearing arms. (May 16, 1967, P.L. 1037, J.R. 3)

Comparing this 1968 text with that of Article IX, Section 1, of the 1874 Pennsylvania Constitution reveals that the only alleged changes are: 1) “C. NATIONAL GUARD” for **MILITIA**, 2) “**Exemption from Service**” was eliminated, 3) “citizens” for **freemen**, and 4) “National Guard” for **militia**. These are, at a minimum, alleged changes because A) the 1903 “Dick Act” and its amendments are unconstitutional, B) changing the name of the Pennsylvania militia has no force of law, C) the 1967 Amendment(s) was (were) unlawfully placed on a primary election following an unconstitutional “article by article” amendment process, and D) the Citizens of Pennsylvania were not properly informed about this basic, important change. The people in Pennsylvania, like all others in America, have been deceived since at least 1903 when the alleged “Dick Act” was first passed.

We must all rationally ask: How can there be a “Pennsylvania National” anything if we still have the “Compound Republic of America” that James Madison confirmed in *Federalist #51*? Answer: There can’t be!

Gov. Corbett, Lt. Gov. Cawley, and each member of the General Assembly: Completely reject U. S. government control and use of our true State Militia, follow your “oath of office”, and reclaim Pennsylvania’s Militia now!