The Dick Act of 1902

Efficiency of Militia Bill H.R. 11654, June 28, 1902. Congressional Record, House, pages 7706-7713 and 321-353, 7594-7595. Also known as the Dick Act of 1902, written by Representative Dick, passed by Congress on June 30, 1902.

The three classes H.R. 11654 provides for are the organized militia, henceforth known as the National Guard of the State, Territory and District of Columbia, the unorganized militia and the regular army. The militia encompasses every able-bodied male between the ages of 18 and 45. All members of the unorganized militia have the absolute personal right and 2nd Amendment right to keep and bear arms of any type, and as many as they can afford to buy.

The Dick Act of 1902 cannot be repealed; to do so would violate bills of attainder and ex post facto laws which would be yet another gross violation of the U.S. Constitution and the Bill of Rights. The President of the United States has zero authority without violating the Constitution to call the National Guard to serve outside of their State borders.

The National Guard Militia can only be required by the National Government for limited purposes specified in the Constitution (to uphold the laws of the Union; to suppress insurrection and repel invasion). These are the only purposes for which the General Government can call upon the National Guard.
Attorney General Wickersham advised President Taft, "the Organized Militia (the National Guard) can not be employed for offensive warfare outside the limits of the United States."

The Honorable William Gordon, in a speech to the House on Thursday, October 4, 1917, proved that the action of President Wilson in ordering the Organized Militia (the National Guard) to fight a war in Europe was so blatantly unconstitutional that he felt Wilson ought to have been impeached.

During the war with England an attempt was made by Congress to pass a bill authorizing the president to draft 100,000 men between the ages of 18 and 45 to invade enemy territory, Canada. The bill was defeated in the House by Daniel Webster on the precise point that Congress had no such power over the militia as to authorize it to empower the President to draft them into the regular army and send them out of the country.

The fact is that the President has no constitutional right, under any circumstances, to draft men from the militia to fight outside the borders of the USA, and not even beyond the borders of their respective states. Today, we have a constitutional LAW which still stands in waiting for the legislators to obey the Constitution which they swore an oath to uphold.

Charles Hughes of the American Bar Association (ABA) made a speech which is contained in the Appendix to Congressional Record, House, September 10, 1917, pages 6836-6840 which states: "The militia, within the meaning of these provisions of the Constitution is distinct from the Army of the United States." In these pages we also find a statement made by Daniel Webster, "that the great principle of the Constitution on that subject is that the militia is the militia of the States and of the General Government; and thus being the militia of the States, there is no part of the Constitution worded with greater care and with more scrupulous jealousy than that which grants and limits the power of Congress over it."

"This limitation upon the power to raise and support armies clearly establishes the intent and purpose of the framers of the Constitution to limit the power to raise and maintain a

standing army to voluntary enlistment, because if the unlimited power to draft and conscript was intended to be conferred, it would have been a useless and puerile thing to limit the use of money for that purpose. Conscripted armies can be paid, but they are not required to be, and if it had been intended to confer the extraordinary power to draft the bodies of citizens and send them out of the country in direct conflict with the limitation upon the use of the militia imposed by the same section and article, certainly some restriction or limitation would have been imposed to restrain the unlimited use of such power."

The Honorable William Gordon
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"Be it enacted that the militia shall consist of every able-bodied male citizen, respective of States, Territories, and the District of Columbia and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than 18 and less than 45 years of age, shall be divided into three classes; the organized militia, to be known as The National Guard of the State, Territory or District of Columbia, or by such other designations by the laws of the respective States or Territories, as may be given by the laws of the respective States or Territories, the national voluntary reserve as provided in this act, and the remainder to be known as the reserve militia."

The Militia Act and the revised Militia Act (the Dick Act), make it quite clear that all men between the ages of 18 and 45 are the (unorganized) militia with an absolute right to keep and bear Arms under the Article II of the Bill of Rights, of whatever type; automatic or semi-automatic, regardless of size, magazine capacity, barrel length or caliber/gauge in any quantity they may deem necessary along with any amount of ammunition they may determine from time to time.

"The Right to Keep and Bear Arms Report", of the Subcommittee on the Constitution of the United States Senate Judiciary Committee; Ninety-seventh Congress, second session, February 1982. Orrin Hatch, Chairman.
"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 organizing, arming, and disciplining the Militia." This Congress chose to do so in the interest of organizing reserve military units which were not limited in deployment by the strictures of our power over Constitutional militia, which can be called forth only "to execute the laws of the Union, suppress insurrection, and repel invasions." The modern National Guard was specifically intended to avoid status as the Constitutional militia, a distinction recognized by Title 10 United States Code 311 (a)."

"The conclusion is thus inescapable that the history, concept, and wording of the Second Amendment to the Constitution of the United States, as well as its interpretation by every major commenter and court in the first half-century after its ratification, indicates that what is protected is an individual right of a private citizen to own and carry firearms in a peaceful manner."

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 previously discussed...It accurately reflects the majority of proposals that lead up to the Bill of Rights itself.

NOW, THEREFORE, all existing or future so-called "gun and/or ammunition laws", of whatever

name or form under "color of law", whether Federal, Federal Agency, Pseudo Federal Agency, State, County or Municipal that infringes, abridges or restricts in any manner, the God given, unalienable, indefeasible, Constitutional right of Citizens to keep and bear Arms peaceably, openly or concealed, for their defense of life, liberty, and property are prima facie violations of Article 1, Sec. 9, Part 3; Article 6, Part 2; and Amendments I, II, IV, IX, and X of the Constitution for the United States of America; Article 2; Sec. 1, Sec. 2, Sec. 4, Sec. 5, Sec. 27, and Sec. 29 of the Constitution for the State of Arkansas; and the Dick Act of 1902, and are NO LAW, ab initio, ultra vires, of no force and effect, incumbent upon no one to obey or any court to enforce.