
THE DICK ACT OF 1902 (ACTIVE DUTY MILITARY - THIS POSTS 4 U)

Contributed by aristocutionor 1
Thursday, 09 April 2009
Last Updated Friday, 10 April 2009

THE DICK ACT OF 1902 (ACTIVE DUTY MILITARY - THIS POSTS 4 U)

From: AGAINST ALL ENEMIES BOTH FOREIGN AND DOMESTIC

Date: Apr 9, 2009 1:12 AM

Subject: THE DICK ACT OF 1902 (ACTIVE DUTY MILITARY - THIS POSTS 4 U)

The Dick Act of 1902

The Dick Act of 1902 also known as the Efficiency of Militia Bill H.R. 11654, of June 28, 1902 invalidates all so-called gun-control laws. It also divides the militia into three distinct and separate entities..

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The Dick Act of 1902 cannot be repealed; to do so would violate bills of attainder and ex post facto laws which would be yet another gross violation of the U.S. Constitution and the Bill of Rights.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

Congressional Record, House, Page 640 - 1917

To the State Governor -

Where is your State Guard?? Can your State defend itself and maintain civil order??

The
(not in the Constitution) Presidential Order that federalized your
State Guard is ILLEGAL - it is in violation of the Dick Act of 1902..

Who do you take "orders" from?? You are the Governor of a sovereign nation state.. You are the "Commander-in-Chief"
of the State's Guard..

Are
the citizens of your State safe in their lives, their property, and
possessions?? Is your State safe from invasion of foreign forces and/or
federalist troops??..

[COMMENTS]

David David Reedy

thought we'd stumble across something beautiful here, an end to the
debate... but we're wrong. The Dick Act of 1902 never went through, it
stopped in the house. There was a very different and separate Dick Act
of 1903. I cite first <http://www.arng.army.mil/constitution.aspx>
to tell us what we do have (which isn't much from a National Guard
point of view, they are actually now a part of the army and seemingly
glad of it...however, if we combine the 2nd Amendment with : US Code
Title 10 Article 311 , and maybe combined with From what I read below,
the fed.gov should be ENCOURAGING me to own military grade weapons. Is my interpretation wrong???

Your
interpretation is consistent with the 1939 Supreme Court in U.S. v.
Miller, in which SCOTUS held that a sawed-off shotgun was not shown to
have military value and/or to be included among military equipment;
ergo, the sawed-off shotgun was not entitled to protection under the
Second Amendment.

Taken the other way, it follows that if a
firearm has military value and is included among military equipment,
then the right of the people to keep and bear such arms shall not be
infringed.

.... we might have a solid leg to stand on.

David

A. Reedy... sorry to be a mythbuster, it took me about 2 hours of research before I found anything on the Dick Act of 1902 vs. 1903. But we gotta' know the truth.

Aristocutionor

Thank you for doing the proper research.. The Dick Act of 1902 was floated as having guarantees for the Right to Keep and Bear Arms.. And, then the bit about the National Guard..

I understand that President Wilson was nearly impeached for calling up National Guard for duty on foreign soil, and that except for Congress declaring war he may well have been impeached for it.. Perhaps there is something in those impeachment arguments that ties things together..

I wrote a common sense article reasoning the logic for all the people to have military grade weapons.. My comment prefaced the defunct (HR 1022: Assault Weapons Ban and Law Enforcement Protection Act of 2007

To reauthorize the assault weapons ban, and for other purposes)..

..(L)
A semiautomatic rifle or shotgun originally designed for military or law enforcement use, or a firearm based on the design of such a firearm, that is not particularly suitable for sporting purposes, as determined by the Attorney General. In making the determination, there shall be a rebuttable presumption that a firearm procured for use by the United States military or any Federal law enforcement agency is not particularly suitable for sporting purposes, and a firearm shall not be determined to be particularly suitable for sporting purposes solely because the firearm is suitable for use in a sporting event'..

(b) Related Definitions- Section 921(a) of such title is amended by adding at the end the following:

Here's my comment -

The Argument for ALL American to have Assault Rifles

Clause "(L)" in the example legislation below, is totally unConstitutional - period!!

Militia

is an old word that has a different meaning than its connotation today.. The State's Militia is ALL males 17-43 (differs slightly State to State).. The Sheriff can deputize a posse and that posse comes from (is) the "militia"..

The 2nd Amendment is clear on this - that

the States have the Right to a well organized militia (armed citizens),
the RIGHT of the PEOPLE to Keep and Bear Arms shall not be infringed...

The

whole intent is for the citizens to be armed with military grade arms..
In some ways I am amazed that with all the "terrorists" "threats" that
the US Gov isn't demanding that ALL US Citizens be armed with assault
weapons.. If ALL Americans knew that it was THEIR RESPONSIBILITY to
defend the US (their State) from ALL enemies foreign and domestic, and
were so armed - the illegal alien invasion would not have occurred: AND
that is precisely why the US has never been (successfully) invaded by a
foreign military..

Those that propose this sort of infringement
on the Right of the People, and remove the Citizen from the "militia"
is a moron.. And, this sort of "limiting" of the Right to Keep and Bear
Arms (military grade) away from Citizens as defenders of THEIR STATE
and THEIR COUNTRY are traitors..

We should show up to defend our
State and our Country with inferior arms due to this sort of mentally
deficient legislation?? What! Are you trying to get US killed?? Whose
side are you on??

Please note: This is not active legislation at
this instant; however, everyone knows that gun and ammo sales have been
through the roof due concern that a treasonous Congress may actually
enact something similar.. BTW - any restriction on ammo is an
infringement of the 2nd Amendment.. This serves as an actual example of
what may be in Congress again.. This sort of legislation is ALWAYS
unConstitutional, and those that promote it and vote for it are by
definition, traitors..