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Nelson Hultberg: Revitalization of the State Militias

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Revitalization of the State Militias

A Review of Edwin Vieira's "The Sword and Sovereignty"

by Nelson Hultberg

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On April 19, 1775, the battles of Lexington and Concord on the outskirts of Boston ignited the conflict that led to the most momentous political event of man's history – the Declaration of Independence and the birth of America. In the early morning hours of that day, a command of British troops was dispatched from Boston to search out and confiscate stores of militia weapons and supplies at Concord. On the way they confronted a small and unimposing band of armed American militia at Lexington. The British Major John Pitcairn shouted out, "Ye villains, ye Rebels, disperse; damn you, disperse! Lay down your arms!"

The American militia were under the command of Captain, John Parker; and their orders were to remain non-antagonistic to the British. They were outnumbered by almost ten to one. So why didn't they lay down their arms when ordered to do so? "Because," says constitutional scholar Edwin Vieira, "free men with a duty to keep and bear arms never willingly lay down their arms. And at Lexington, none of them

did.” The heroic militia Captain John Parker warned his men, “if they mean to have a war let it begin here.” And begin it did.

Importance of the State Militias

With his newest book, *The Sword and Sovereignty*, Edwin Vieira, Jr., has given us a magisterial work that meticulously documents the history of the early American Militias and why similar units must be revitalized today if we are to adequately confront our disintegration as a society and restore the republic that the Founders gave us. It is a book that will profoundly shock 98 percent of Americans. It is so overpowering in its legal logic and constitutional veracity that the intellectuality of Cicero and Plutarch comes to mind as one reads the prose. It is not a book that can be read lightly; it demands a tolerance for legal thought and abstract conceptualization. But for those “men of the mind” who understand the importance of ideas in the unfolding of history, the effort will be most rewarding. You will be shown an entirely new way of seeing things regarding guns, militia, the Second Amendment, homeland security, how they intertwine, and how they have been grossly misrepresented by quisling, pseudo-experts of the establishment.

For the first 125 years of our history, the “Militia of the several States” was a highly honored institution that played a vital role in preserving the concept of federalism upon which our system of freedom depends. This ended with the Militia Act of 1903, which shifted the “Militias of the several States” into National Guard units under the auspices of the national military. State and local control was eliminated.

In addition, as Vieira tells us, over the past century decades “of disuse, misuse, and abuse have so thoroughly muddled the meaning of ‘Militia’ in contemporary American political discourse that the word is hardly ever encountered except as invective, usually well-freighted with vituperative adjectives such as ‘extremist’ and ‘violent’, broadcast by the enemies of constitutional government (and their dupes and other ‘useful idiots’) for the purpose of intimidating into silence the people they intend to oppress as soon as the vast majority of Americans has been thoroughly disarmed through one form of ‘gun control’ or another.”

Anybody today with a modicum of brains can see that our nation is being transformed into a “first-class police state.” Homeland Security and Washington’s outrageous “Patriot Acts” are Alice in Wonderland institutions that have taken us a giant step down the path to Orwell’s nightmare. Our military-industrial complex grows exponentially. The Federal Government has become a Godzilla of ugliness and menace. Our Congressmen are Machiavellian schemers wallowing in sophistic mazes and treason to truth.

Vieira’s answer to this pernicious evolution is startling. As with all big thinkers in history, he asks us (like Steve Jobs did to his comrades at Apple) to “Think Different!” He maintains that America cannot be saved unless she revitalizes her original concept of the “Militia of the several States.” *The Sword and Sovereignty* explains – in 1,945 pages of text and 305 pages of appendixes, tables, and notes – why this must be done and how to constitutionally do it. Magisterial scholarship is putting it mildly.

History and Restoration of the Militias

The book explores the legal history of the pre-constitutional Militia statutes of colonial times to demonstrate that armed and well-regulated Militias formed on the state level are what the Founders intended for the provision of “homeland security.” The monstrosity of today’s centralized Homeland Security Department in Washington is not needed; a revival of the “Militias of the several States” and unequivocal acknowledgement of the people’s right to bear arms will give us everything we require. This will decentralize “security” in the country and help greatly to check the ominous peril of the military-industrial complex.

Many Americans will perceive this as a quixotic attempt to turn back the clock and revive a hopeless anachronism that prevailed in the era of flintlock muskets and tri-cornered caps. Not so. Vieira demonstrates his points legally with the same overpowering logic that Ludwig von Mises puts forth economically in *Human Action*. Mises was relentless in rational destructions of the socialists’ sinister fallacies. So too is Vieira in his dismantling of the arguments of today’s collectivist control freaks.

After he traces the legal history of pre-constitutional Militia and gun statutes, he then lays out seventeen fundamental principles (in seventeen chapters) to define how the constitutional structure and service of a revitalized “Militia of the several States” would be validated. When one is done reading these seventeen chapters, he sees clearly that a revitalization of the state Militias is constitutionally legitimate and workable in the modern day. Whether or not they can be revived is, of course, an open question. There is huge opposition in all establishment schools, bureaucracies, and courts to such a radical restructuring of society’s power relationships. But Vieira demonstrates in compelling fashion why and how it can be done if Americans still have the will.

One of the most profound parts of the book is its explanation in Chapter One of the present day fallacy of “judicial supremacy,” showing how the Supreme Court is not the ultimate judge of “what the law is.” Congress stands above the Court and may stipulate how the Judges are to interpret the laws. But most importantly, the People stand above Congress, for they are the creators of Congress via the Constitution. WE THE PEOPLE rule in America, not congressional despots and judicial oligarchs.

As the famous eighteenth century jurist, Sir William Blackstone, observed in Commentaries on the Laws of England, “whenever a question arises between the society at large and any magistrate vested with powers originally delegated by that society, it must be decided by the voice of the society itself: there is not upon earth any other tribunal to resort to.”

Thus the salvation of America must come with reassertion of the citizens’ fundamental right to decide the ultimate issues of their lives. Through political techniques such as nullification on the part of juries and state governments the overweening excesses of today’s Federal Government and its bureaucratic thugs can be brought to heel.

It is important to understand that Vieira is NOT proposing “private” Militias, the likes of which we have seen in recent years from racial supremacy groups and neo-Nazi extremists. What Vieira is proposing is the revitalization of governmentally created and legitimized Militia units among the states that our Constitution calls irrevocably for. These will be legislated and regulated by the state governments. They will be official government bodies in all the towns and cities of the land, not rogue factions that operate from wilderness hideouts. The leftist establishment media will, no doubt, attempt to portray Vieira’s plan as the promotion of wilderness wackos reveling in burning crosses and white sheets; but hopefully learned Americans will recognize such smear tactics as the inexcusable liberal vacuity that it is.

Benefits of Militia Restoration

There are so many benefits to such a revitalization. As Vieira writes, “Today, at every level of the federal system, America is woefully unprepared to deal effectively with hurricanes, tornados, floods, earthquakes, and other natural disasters; with major industrial accidents, such as leakages from offshore oil-drilling rigs or meltdowns of nuclear power plants; with epidemics and pandemics; with crop failures and possibly attendant famines; with invasions through the Volkerwanderung of illegal immigration; with economic breakdowns, and in particular a collapse of this country’s monetary and banking systems; and with the myriad threats posed by real terrorism. ‘[W]ell regulated Militia’, however, not only could deal with the consequences of such events, but also could forefend many of them.”

In addition, the Militia can be used to investigate the constitutionality of the laws that they execute, they can supervise honest elections, they can help to repel invasions, they can help local police, they can be very instrumental in defeating the machinations of globalism, etc.

Another crucial point to grasp is that the revitalized Militia will not be in anyway a part of the regular military, nor will they be under the thumb of Congress. This is the way the Constitution established them in the beginning, and this is the way they must be revived. They will be institutions of unity and defense at the state government level. Their revival will begin the vital process of restoring “federalism.”

Owning Guns Not Enough

Vieira explains that the individual right to bear arms as a defense against tyranny will not suffice in and of

itself. “For, confronted by usurpers and tyrants deploying ‘standing armies’ and para-militarized police forces, or by hordes of foreign invaders, armed individuals in isolation or in small groups would likely prove feckless.”

In other words, just the right to bear arms is not enough. What is necessary is the establishment of collective, coordinated state Militias. This is why the Second Amendment says, “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.”

The pre-constitutional colonial and state statutes during the 150 years leading up to 1787, demonstrate irrefutably that Militias organized on the state and local levels were held by the patriots of the era to be vital for the defense of freedom and order in the republic. The modern day is no different; in fact, such institutions are even more vital. Upon this right of individual and local self-defense, there can be no compromise.

Most libertarians and conservatives are aware of the recent testimony in front of Congress by Suzanna Hupp regarding our right to bear arms. She was one of the victims of the tragic Luby’s massacre in Killeen, Texas in 1991 and lost both her parents to the gun-toting madman. She testified to our Washington solons that if she had been allowed to carry the gun she owned in her purse, she would have been able to kill the madman and would have saved numerous lives including her parents.

Then she topped off her heroic testimony with these searing words as she stared Senator Charles Schumer and his imperious cronies right in the eyes: “I am sitting here getting more and more fed up with all of this talk about these pieces of machinery having no legitimate sporting purpose, no legitimate hunting purpose. People, that is not the point of the Second Amendment. The Second Amendment is not about duck hunting....It is about our rights, all of our rights to be able to protect ourselves from all of you guys up there.”

How to Bring About the Revitalization

The Militias of early America in both pre and post Constitution eras were basically compulsory institutions. The states mandated that all able-bodied men were subject to membership and duty. In other words the states had the right to impress citizens into the Militia. This, of course, will not be acceptable to the libertarian community of the modern day. So if the Militias are to be revived, they will have to be voluntarily joined as Independent Militia Companies formed by the state governments. And this is the procedure that Vieira advocates. Independent Militia Companies must spring up under the auspices of the state governments via volunteers.

Vieira goes into detail, however, explaining how the early American viewpoint was that membership in the Militias had to be compulsory, and that eventually they should be formed into such units as Americans are educated in this upcoming century toward their duties as well as their rights in maintaining a free republic. He makes a very passionate case for regaining the “all for one and one for all” spirit that animated early Americans’ willingness to tolerate compulsory membership in their local Militias. Being a political libertarian, I would disagree on this point and rely permanently on voluntary units as the undergirding structure to revitalization. The Militias might not work as efficiently, and their memberships might not be spread as evenly among all citizens, but they will be a lot safer units of government under volunteer recruitment policies.

The Founders understood the power lust nature of man and the necessity for citizens to be armed and organized at all times as protection from their rulers. Suzanna Hupp understands this. Edwin Vieira understands it. And now we as a people must come to realize it. Our right to bear arms has nothing to do with duck hunting. State Militias have nothing to do with wilderness wackos.

“The struggle that has been thrust upon Americans,” writes Vieira, “is not one to preserve the uniquely American way of life, but to restore it.” The plague of factions and collectivist usurpers have decimated the republic. “Today, the true America exists only as fleeting, dissipating shadows of her former self.”

The Sword and Sovereignty's message will go a long way toward restoring that resplendent America we lost. It is a profoundly patriotic work of powerful impact that can direct our intelligentsia toward a rediscovery of our real roots. Any thinking man or woman today who fears for America's survival needs to tackle this book. It is available in CD format at Amazon.

Nelson Hultberg * February 10 2013

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Nelson Hultberg is a freelance writer in Dallas, Texas and the Director of Americans for a Free Republic www.afr.org. His articles have appeared in such publications as the Dallas Morning News, The American Conservative, Insight, The Freeman, and Liberty, as well as on numerous Internet sites such as The Daily Bell, Financial Sense, and Safe Haven. He is also the author of The Golden Mean: Libertarian Politics, Conservative Values to be released in March of 2013. Nelson Hultberg also wrote the book which inspired James Jaeger to make the documentary movie "[SPOILER](#)", which featured Ron Paul, G. Edward Griffin, Pat Buchanan, Chuck Baldwin, Edwin Vieira, and Nelson Hultberg. Nelson's book is entitled [The Conservative Revolution: Why We Must Form A Third Political Party To Win It.](#)

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Editor's Note: Dr. Edwin Vieira, Jr.'s book "The Sword And Sovereignty" is not a paper book, but instead is a CD-ROM pdf. It is available at Amazon dot Com, < [here](#) >

At Amazon's page for this CD-ROM is the following synopsis:

The Sword and Sovereignty: The Constitutional Principles of the Militia of the several States is a comprehensive CD-ROM study-2,304 pages in length, with 6,544 footnotes and endnotes-of the constitutional and statutory history of Americas Militia, which gives special emphasis to the unique and indispensable rôle of the Militia as the institutions through which WE THE PEOPLE themselves ultimately provide, or withhold, the consent of the governed upon which this countrys form of government depends for its legitimacy. The Sword and Sovereignty derives the basic legal and practical principles of the Militia from a detailed study of the pre-constitutional Militia statutes of Rhode Island and Virginia selected, for reasons the book makes clear, as exemplars of what happened throughout America in that era. It explains how these principles are embodied in the Declaration of Independence and the Constitution, and how they should be applied in the operation of Americas true federal system of government-indeed, why it is Congresss and every States duty to see to the organization of, and every Americans personal duty to participate in, the Militia, more imperatively now than ever before. It exposes the dangerous fallacy in the contemporary individual-rights misinterpretation of the Second Amendment, and explains how the Supreme Courts Heller decision reduced Americans right * * * to keep and bear Arms to a level far below what their forebears enjoyed when the Constitution and Bill of Rights were ratified. And it examines ways in which revitalized Militia of the several States could, should, and if they were properly revitalized would deal with many of the most pressing contemporary problems this country faces-such as the correction of rogue public officials the supervision of the the military-industrial complex the conduct of honest elections the provision of an alternative currency, etc.

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