

The 9-11 Event, The President, And The Militia



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One need not have earned an advanced degree in the natural sciences, in engineering, in law, or in any of the disciplines related to the art of politics to be able to recognize that, *first*, with regard to what this study denotes as “the 9-11 Event”, it is not just some proverbial rotten Danish cheese which smells to high heaven in this country—and that, *second*, no matter what difficulties may need to be overcome, something drastic must be done to correct this stinking state of affairs, immediately if not sooner. In the present author’s estimation, the one and only *sure* way to unearth the definitive truth of the 9-11 Event is to enlist a patriotic President of the United States along with “the Militia of the several States” in the inquiry.

1- The 9-11 Event abounds with anomalies which cast serious doubt upon, if they do not disprove altogether, the conspiracy theory public officials have put forward to explain what happened.

Anomalies—that is, matters of proven fact which are abnormal, incongruous, deviant, or extremely peculiar—often provide the best circumstantial evidence that a purported explication of an event is faulty, fictitious, fantastic, or even fraudulent. This is especially the case when interested parties attempt to dispose of those anomalies with conspiracy theories which

contradict fundamental principles of scientific, legal, and political analysis. The 9-11 Event and its aftermath are replete with just such anomalies, which render the official conspiracy theory of that horrendous crime not simply problematic and implausible, but even gravely suspicious; and which leave open to doubt whether that theory can be adequately tested through employment of the normal legal and political means available to the American people.^[1] To wit—

- Anomalous disregard of, and even disdain for, proper application of the scientific method and protocols in such disciplines as physics, engineering, and forensics to investigation of the 9-11 Event on the part of public officials in multiple instances. These anomalies insult the laws of nature.
- Anomalous acts of omission and commission by public officials and private parties concerting with them in connection with various governmental investigations, or with failures or refusals to conduct such inquiries, related to the 9-11 Event. These anomalies violate the laws of the United States.
- Anomalous failures or refusals to demote or dismiss from their positions, let alone to punish, any of the civilian or military officials who proved woefully derelict in the fulfillment of their duties to expose the plot hatched, or to prevent the attacks launched, by “the terrorists” whom the official conspiracy theory identified as the perpetrators of the 9-11 Event. These anomalies set at naught the principles of sound administration, not just of the government of the United States, but of *any* organization, public or private, charged with a responsibility to protect Americans’ lives.
- Anomalous nonfeasance and misfeasance by the big “mainstream media” with respect to the absence of true investigative journalism, including a general disinclination to go behind or beyond the obviously

flawed official explanation of the 9-11 Event, as well as a general disregard for, and even orchestrated disparagement, denunciation, and demonization of, the so-called “9-11 truthers” who do convincingly challenge that explanation. These anomalies run contrary to both the moral responsibility and the institutional self-interest which should direct the course of a truly free press in relation to the elucidation of a matter of grave National importance.^[2]

And, perhaps worst of all,

- Anomalous disinterest on the part of a sizable portion of the general public as to whether the cartoonish conspiracy theory of the 9-11 Event put forward by public officials and echoed by the big media is a *bona fide* explanation at all, or is (in the jargon of intelligence operatives) merely “an old grey mare”—as well as anomalous disregard for whether even the possibility of some more plausible explanation should be entertained. Whatever their source—be it the rank ignorance and insouciance of a “dumbed down” population, the naïve credence all too many citizens carelessly tend to afford to governmental pronouncements, cognitive dissonance, or some combination of such causes—these anomalies offend the first principle of “a Republican Form of Government”.^[3] For such a “Government is * * * one constructed on th[e] principle, that the Supreme Power resides in the body of the people”.^[4] And where the people themselves are sovereign, they must recognize, accept, and tirelessly labor under the ultimate—indeed, the absolute—responsibility to ensure the enforcement of the laws which derive from their delegation of “just powers” to their government.^[5]

These peculiarities are simply too numerous, too notorious,

too improbable, too much the products of demonstrable human actions, and too consequential to be explained by recourse to "chaos theory" rather than to a "conspiracy theory". Obviously, something is grievously wrong here, and not just accidentally and inexplicably so. The question remains, though: "What can be done to rectify this situation?"

2- Numerous difficulties will beset any investigation of the 9-11 Event which might be capable of bringing the salient facts to light and the principal perpetrators to justice.

Every politically perceptive American suspects with moral certainty that the individuals whom the official narrative of the 9-11 Event has fingered as its perpetrators were no more a mere "handful of terrorists" who by themselves brought it about than Lee Harvey Oswald was "the lone gunman" who shot President John F. Kennedy. Plainly, the particular individuals identified as the guilty parties in the official history of the 9-11 Event were not the only, and certainly not the central and directing, figures either in the fantastic conspiracy theory of the commission of the crime to which officialdom subscribes; or in the real conspiracy the existence of which officialdom denies, which consists of the evasions, cover-ups, lies, and floods of disinformation that followed the 9-11 Event and continue to this very day.

The problem, however, is that Americans' moral certitude by itself cannot translate directly into exposure, arrests, indictments, and criminal convictions of the actual guilty parties. No matter how much evidence may be marshaled in the court of public opinion to prove that the official explanations of various aspects of the 9-11 Event are false (and on the part of some participants in official investigations knowingly so), nothing can be done to conduct a thoroughgoing and conclusive inquiry, let alone to bring to justice in a court of law the individuals culpable for the complex of crimes encompassed within that Event, unless some public officials—possessed not only of sufficient authority

but also of the necessary personal independence, integrity, and courage—take up this matter.

Moreover, those Americans in private station who are intent upon getting to the bottom of the 9-11 Event, letting the chips fall where they may, are not now in possession of all of the requisite evidence, do not now have access to most of that evidence, do not now know the even the nature let alone the extent of much of the evidence being withheld from them, and can never hope to obtain such knowledge, access, and possession without more substantial assistance from public officials than has been made available to date. Consider, for example, the following alternatives:

- The Constitution provides that “Congress shall make no law * * * abridging * * * the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”.^[6] Nonetheless, freedom of petition is useful only if the public officials to whom “the people” direct their petitions exercise the authority—and, more important, exhibit the willingness—to respond in a timely and effective manner. These days, however, apparently so few (if any) such officials exist with respect to citizens’ demands for governmental inquiries into the 9-11 Event that the lament in the Declaration of Independence is applicable: “In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury”—including officials’ dissemination of rank disinformation, when disregard of and disdain for the petitioners are not their only responses.
- Civil lawsuits—such as could be initiated by survivors of the 9-11 Event or the relatives of its victims—depend, not only upon the willingness of suitable plaintiffs to come forward, but also upon their possession of evidence sufficient to charge named

defendants with violations of law which will withstand the defendants' inevitable motions to dismiss or for summary judgment. Such lawsuits are notoriously complex, expensive, and time-consuming. And they can provide the plaintiffs with only a limited ability to discover further relevant evidence in the face of orchestrated and skillful obstruction, not only by the defendants' counsel, but especially by hostile judges who can intentionally frustrate the necessary inquiries with supposed absolute immunity from civil liability for their misbehavior.

- No less problematic are *quasi*-public lawsuits which seek to enforce the Freedom of Information Act of the United States and similar statutes in those States in which parts of the 9-11 Event occurred. Anyone familiar with the process is aware that FOIA applicants do not necessarily know in the first instance which specific documents to request, or within which of the numerous rabbit-warrens of governmental bureaucracies to search for them. Moreover, sophisticated applicants must presume that the custodians of the records held by these agencies may falsely deny the existence of sensitive documents. And even if the custodians admit the documents' existence, they may invoke privileges (whether statutory or spurious) which supposedly preclude disclosure, and be upheld by the courts in that regard. Thus, parties invoking the FOIA can never be certain that disclosure of actual public records has been, or can be made, complete. In addition, even the most experienced practitioners in FOIA litigation can never be confident that the bureaucrats have finally disclosed *true* copies of *original* documents, rather than artfully concocted forgeries, plants, "old grey mares", and so on. For private parties do not have the advantage of being able to invoke 18 U.S.C. § 1001 against public officials who lie to FOIA applicants, or to invoke 18 U.S.C. § 2071 against public officials who secrete,

destroy, or falsify the records which are the subjects of such applications.

- Finally, private parties cannot by themselves perform criminal investigations (at least not in any official capacity) let alone conduct actual criminal prosecutions. For those purposes, they must depend upon honest and competent criminal investigators, prosecutors, and grand juries, along with the executive officials and judges who control and preside over such proceedings. They must also depend upon the availability of credible witnesses to the crime—which in the case of a conspiracy usually means one or more of the conspirators.^[7] In the present political climate in general, and especially with respect to the 9-11 Event in particular, the likelihood that this dependence will be rewarded with success is akin to the chance of coming off unscathed when playing Russian roulette with a *semi-automatic* pistol.^[8]

Thus, hardly surprising is that, so far, none of these approaches has succeeded, or even has shown much promise of doing so, to anything approaching the necessary and sufficient degree.

The search for truth with respect to the 9-11 Event absolutely requires someone in a high public office, vested with the requisite plenitude of responsibility and authority, to take charge of the investigation, to compel custodians of public records to disgorge those materials from their hiding places, to direct investigators to investigate, and to command prosecutors to prosecute.^[9] The obvious fly in the ointment is that all too many of the custodians, investigators, and prosecutors now in office are political appointees or professional bureaucrats whose *loyalties* (if not their competencies in their particular fields) are subject to question. So the practical question is: “Which public official

is capable of conducting on his own initiative a thoroughgoing investigation of the 9-11 Event with the aid of sufficient numbers of competent personnel whom he can trust not to be compromised or subject to being compromised?"

3- The difficulties surrounding full exposure of the 9-11 Event are not insuperable, because the Constitution and laws of the United States provide an effective solution to the problem.

A. The only practical—indeed, perhaps even the only conceivable—answer to the foregoing question is: *“the next President of the United States, with the assistance of ‘the Militia of the several States’”*.^[10] For the President has both: (i) a general responsibility to act, perforce of his “Oath or Affirmation * * * that [he] will faithfully execute the Office of President of the United States, and will to the best of [his] Ability, preserve, protect and defend the Constitution of the United States”;^[11] and (ii) a specific constitutional duty that “he shall take Care that the Laws be faithfully executed”.^[12] The Constitution invests him with the unique status of “Commander in Chief * * * of the Militia of the several States, when called into the actual Service of the United States”.^[13] And the Constitution assigns to “the Militia of the several States” the authority and responsibility “to execute the Laws of the Union” when “call[ed] forth” for that purpose^[14] which perfectly complements the President’s duty to “take Care that the Laws be faithfully executed”, by providing him with the necessary and sufficient instruments for the enforcement of those “Laws”.

Anyone actually capable of fulfilling the duties of “the Office of President” fully understands the political lay of the land today, both within and outside of the government of the United States. Within that government, during the first two years of his Administration a new President who makes

clear his intent “to take Care that the Laws be faithfully executed” cannot expect to control, or even to influence in his favor, a hostile Congress to the end of enacting the sort of legislation which the 9-11 Event should immediately have called into being, but which no Congress since then has ever even considered. Similarly, a new President cannot hope to appeal to a largely intractable Judiciary, and certainly to change its composition to any marked degree through the tedious process by which “he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint” new judges to the courts of the United States when vacancies adventitiously occur on the Bench. [\[15\]](#)

Outside of the government, although such a President may enjoy “the bully pulpit” of his office from which to address the American people directly, and may expect support from much of “the alternative media” operating through the Internet, he must surely expect to be vilified by the big “mainstream media” in direct proportion to the emphasis he places on exposure of the true genesis, nature, and consequences of the 9-11 Event. Moreover, he must steel himself to contend with the clandestine machinations of “the shadow government” (or “deep state”). For exposure of the reality of the 9-11 Event as a “state crime against democracy” will provide him, along with all other all patriotic Americans, with sufficient reason and the necessary means to bring to light and then to put down “the shadow government” once and for all. [\[16\]](#)

In this analysis, the vast bureaucracy in the Executive Branch has been left to last, because that apparatus is, in theory at least, subject in no small measure to the President’s direct control. In principle, by employing the threat (or, perhaps better put, the guarantee) of criminal prosecution, he can compel the bureaucrats to disclose whatever information the public archives contain with respect to the 9-11 Event. [\[17\]](#) And with his own Attorney General in charge of the Department of

Justice, and trustworthy United States Attorneys assigned to key States, he can investigate, expose, arrest, indict, prosecute, convict, and punish the principal offenders behind the 9-11 Event whom death has yet to carry beyond the reach of human justice.

Yet, in actual practice, a single Attorney General and a smattering of United States Attorneys will surely prove insufficient if the bureaucracy to any significant degree remains opposed to, refuses to cooperate with, and even endeavors to sabotage the President's program at its every turn. To overcome such a veritable army of obstructionists, the President must deploy an host of faithful and competent individuals *outside of and with no loyalty to the bureaucracy and the secret factions and special interests it serves*. To find such individuals in the requisite number he must look to the federal system—in particular, to employ “the Militia of the several States” in order “to execute the Laws of the Union”.

Getting to the bottom of the 9-11 Event will require extensive, exhaustive, and relentless execution of those “Laws”. The Constitution imposes on the President the duty to “take Care that the Laws be faithfully executed”.^[18] The Constitution delegates to the Militia the authority and responsibility “to execute the Laws of the Union” when Congress “provide[s] for calling [them] forth” for that reason.^[19] And perforce of his status as “Commander in Chief”, the President exercises direct authority over “the Militia of the several States, when [they are] called into the actual Service of the United States”.^[20] So the President may employ “the Militia to execute the Laws of the Union” with respect to the 9-11 Event by “calling [them] forth” in whatever manner Congress has authorized pursuant to whatever statutes it has enacted for that crucial constitutional purpose.

Not only *may* the President employ “the Militia of the several

States” to this end, but also he *should and must* do so, for two reasons:

- *First*, the Constitution declares that “[a] well regulated Militia” is “necessary to the security of a free State”^[21] not Congress, not the Judiciary, not the regular Armed Forces, not even the President himself, but *only* “[a] well regulated Militia”. The 9-11 Event and its aftermath provide compelling evidence that “a free State” is in jeopardy, here and now, at every level of the federal system. So employment of the Militia is not just uniquely but even desperately “necessary” to deal with the situation.^[22]
- *Second*, the 9-11 Event poured the foundation for the erection in the Department of Homeland Security of a National *para*-militarized police-state apparatus supposedly intended to aid in the prosecution of the so-called “global war on terrorism”. “Homeland security” within the United States, however, is the constitutional responsibility primarily of the Militia. After all, “to execute the Laws of the Union, suppress Insurrections and repel Invasions” constitute the central, critical tasks of National “homeland security”. Yet the Constitution *explicitly* assigns the authority and responsibility to perform these functions *exclusively* to the Militia.^[23] The Constitution may implicitly empower Congress to impose duties of this sort on other institutions it specifically names.^[24] Even if so, *the constitutional priority* must always favor the Militia.^[25]

By employing the Militia “to execute the Laws of the Union” with regard to the 9-11 Event, the President can begin to demolish the foundations of the National police-state apparatus which that Event spawned, and can do so with the assistance of the very institutions which the Constitution describes as “necessary to the security of a free State”.

This is not only highly appropriate but also arguably *mandatory*—for, inasmuch as a “police state” is the very contradiction of “a free State”, the *specific constitutional* means for disestablishing a “police state” in this country must be the *only* institutions which the Constitution itself declares to be “necessary to the security of a free State”: namely, “well regulated Militia”. [\[26\]](#)

Finally, the President can trust “the Militia of the several States” faithfully “to execute the Laws of the Union” for two reasons:

- *First*, because the Militia are actual governmental institutions of and within their own respective States, [\[27\]](#) they are subject to control neither by possibly disloyal bureaucrats, [\[28\]](#) nor by errant judges, [\[29\]](#) ensconced in seats of power within the government of the United States.
- *Second*, because within every Local community throughout this country the Militia consist of essentially every able-bodied adult who is not specifically exempted by statute for some constitutionally sufficient reason, [\[30\]](#) their being controlled or even substantially influenced by the “shadow government” (or “deep state”) lies beyond the realm of reasonable possibility.
- **B-** The specific legal justification for employing “the Militia of the several States” with respect to the 9-11 Event is found in the power of Congress “[t]o provide for calling forth the Militia to execute the Laws of the Union”, [\[31\]](#) where “the Militia” are “the Militia of the several States”, as to which the President of the United States is the “Commander in Chief * * * when [they are] called into the actual Service of the United States”. [\[32\]](#) The Constitution neither itself recognizes, nor licenses

Congress or the States to create, any other "militia".

- 1. This being the constitutional predicate, some statutory history is in order. Congress first exercised its power "to provide for calling forth the Militia to execute the Laws of the Union" as early as 1792, when it mandated that,

whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any state, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in [United States] marshals * * * , it shall be lawful for the President of the United States to call forth the militia of such state to suppress such combinations, and to cause the laws to be duly executed. And if the militia of a state, where such combinations may happen, shall refuse, or be insufficient to suppress the same, it shall be lawful for the President, if the legislature of the United States be not in session, to call forth and employ such numbers of the militia of any other state or states most convenient thereto, as may be necessary, and the use of militia, so to be called forth, may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session. [\[33\]](#)

Shortly thereafter, Congress enacted a superseding statute which mandated that,

whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any state, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the [United States] marshals * * * , it shall be lawful for the President of the United States, to call forth the militia of such state, or of any other state or states, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of militia

so called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress.^[34]

These statutes recognized the explicit constitutional authority *of the Militia, and only the Militia*, “to execute the Laws of the Union”.

Some twelve years later, Congress employed its implied powers to license the use of the regular Armed Forces, in addition to the Militia, for that purpose:

That in all cases of insurrection, or obstruction of the laws, either of the United States, or of any individual state or territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States, as shall be judged necessary, having first observed all the pre-requisites of the law in that respect.^[35]

During the Civil War, Congress enacted a new statute which provided (in pertinent part)

[t]hat whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President of the United States, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory of the United States, it shall be lawful for the President * * * to call forth the militia of any or all the States of the Union, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to

suppress such rebellion in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.^[361]

And the statute now in force for this purpose specifies (in pertinent part) that

[w]henver the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State by the ordinary course of judicial proceedings, he may call into * * * [the] service [of the United States] such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion.^[371]

Observe in particular that the statutory standard is merely “that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it *impracticable* to enforce the laws of the United States in any State by the *ordinary* course of judicial proceedings”. Impracticality does not require impossibility; and “the ordinary course” does not exclude the possibility that an “extraordinary course” need not be invoked, even though it might also be effective.

After the Civil War, two provisions of the Fourteenth Amendment—to wit, (i) that “[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law”, or “deny to any person within its jurisdiction the equal protection of the laws”; and (ii) that “[t]he Congress shall have power to enforce, by appropriate legislation, the provisions of this article”^[381] expanded Congress’s power to authorize the President to call forth the Militia. The

relevant statute now in force provides (in pertinent part) that

[t]he President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—

(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.^{[1391](#)}

2. Those two contemporary statutes plainly can, should, and indeed must be applied to the 9-11 Event. For before, during, and after its perpetration down to the present day, the 9-11 Event has involved “unlawful obstructions, combinations, or assemblages * * * against the authority of the United States, [which have] ma[d]e it impracticable to enforce the laws of the United States in [m]any State[s] by the ordinary course of judicial proceedings”—as proven by the success of these “unlawful obstructions, combinations, or assemblages” in avoiding “enforce[ment of] the laws of the United States * * * by the ordinary course of judicial proceedings” everywhere within the United States. In addition, these “unlawful combination[s], or conspirac[ies]” have “so hinder[ed]

the execution of the laws of [many] State[s], and of the United States within th[os]e State[s], that * * * part[s] or class[es] of [the] people [of those States have been and are being] deprived of * * * right[s], privilege[s], immunit[ies], or protection[s] named in the Constitution and secured by law, and the constituted authorities of th[os]e State[s] are unable, fail, or refuse to protect th[os]e right[s], privilege[s], or immunit[ies], or to give that protection". Moreover, those "unlawful obstructions", "combination[s], or conspirac[ies]" have systematically "oppose[d] or obstruct[ed] the execution of the laws of the United States or impede[d] the course of justice under those laws"—and unless exposed and suppressed will continue to do so indefinitely. After some fifteen years, it should be undeniable by anyone that the public officials (whether investigators, prosecutors, or judges) who have conducted "the ordinary course of judicial proceedings" in this country in the past or who direct it in the present have not dealt honestly, effectively, or even competently with these "unlawful obstructions", "combination[s], or conspirac[ies]"—doubtlessly because many of the latter cabals have sunk their roots too deeply within the governmental apparatus of both the United States and all too many of the several States to be dug out by the run-of-the-mill politicians, appointees, and careerist bureaucrats now in charge.

Everyone is aware that these "unlawful obstructions", "combination[s], or conspirac[ies]" deprived thousands of Americans of life itself in the course of the 9-11 Event or as a direct consequence thereof; and that many thousands more suffered the loss of other valuable "right[s], privilege[s], or immunit[ies]". Those who were killed or injured when the 9-11 Event occurred were denied physical, as well as legal, "protection"; and both they and other victims have yet to receive full, or in numerous cases any significant, legal

redress. These people have been divested, not only of the full measure of justice due to them, but also of even the mere “course of justice” promised, under the laws of the United States and the several States.

In stark contrast, *no one* in any high official position in the government of the United States or of any State has been publically punished, demoted, censured, reprimanded, or otherwise called on the carpet for incompetence, let alone charged with possible criminal complicity, in relation to the 9-11 Event. And the main perpetrators (other than those patsies alleged to have been the hijackers of the airliners), let alone the true masterminds, of that crime have yet to be identified officially.^[40] Self-evidently, unless all of the major investigatory agencies of the United States and the several States have been and remain staffed with veritable nincompoops, *some* (and doubtlessly not just a few) individuals in high-level positions of public authority have been and remain willing and able to prevent, frustrate, or subvert the necessary inquiries, or to conceal from ordinary Americans what information has been obtained—and thereby have successfully “oppose[d] or obstruct[ed] the execution of the laws of the United States or impede[d] the course of justice under those laws”, and will continue to do so unless and until exposed. These individuals have constituted “unlawful obstructions, combinations, or assemblages * * * against the authority of the United States, [which have] ma[d]e it impracticable to enforce the laws of the United States in [m]any State[s] by the ordinary course of judicial proceedings”, and will continue to do so unless and until brought to heel.

Then, too, as a consequence of the 9-11 Event, America has been subjected to propaganda and agitation orchestrated by public officials intent on instilling an hysterical fear of “terrorism” in average citizens; to pervasive surveillance of the population by numerous “intelligence” and “law-

enforcement” agencies; to rampant *para*-militarization of State and Local police forces; and to other manifestations of what can accurately be described only as apparent preparations for systematic oppression of ordinary Americans through a domestic police-state apparatus modeled on the *Reichssicherheitshauptamt* of Nazi Germany, or the *Stasi* of Communist East Germany.^[41] This has resulted in large “part[s] or class[es]” within the population of this country being “deprived of [numerous] right[s], privilege[s], immunit[ies], or protection[s] named in the Constitution and secured by law”, under circumstances in which “the constituted authorities of th[e] State[s] are unable, fail, or refuse to protect th[ose] right[s], privilege[s], or immunit[ies], or to give that protection”.

3. Although it is obvious that, pursuant to the authority vested in him by the contemporary statutes described above, the President can, and under present circumstances *should*, deploy “the militia” to deal with these “unlawful obstructions, combinations, * * * assemblages”, and “conspirac[ies]”, the question remains: “*Whom* can the President call forth as ‘the militia’ under the aegis of those statutes?”

Once again, statutory history provides the answer. In 1792, Congress provided

[t]hat each and every free able-bodied white male citizen of the respective states, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years [with certain exceptions] * * * shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act.^[42]

If this did not embrace every last American who was physically

capable of (and therefore constitutionally liable for) service in the Militia, it did include the large majority of the qualified adult population.^[43] Then, in 1873 Congress reiterated the mandate that “[e]very able-bodied male citizen of the respective States, resident therein, who is of the age of eighteen years, and under the age of forty-five years, shall be enrolled in the militia”.^[44] Finally, as the result of the series of statutes from 1903 through 1916 which created the modern National Guard and Naval Militia,^[45] under the present law Congress has purported to divide “[t]he militia of the United States” into two categories:

(a) The militia of the United States consists of all able-bodied males at least 17 years of age and * * * 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.^[46]

Now, this statute is gravely problematic, for several reasons. *First*, on its face the Constitution provides for no such thing as an unitary “militia of the United States”, only for the plural “Militia of the several States” which “may be employed in the Service of the United States” for certain specific and therefore limited purposes.^[47] *Second*, in contrast to “Armies” and “a Navy”, which are establishments “of the United States”,^[48] the Constitution delegates to Congress no power to

create a "militia of the United States". Even the Constitution did not create "the Militia of the several States", but instead incorporated these establishments, as they existed at the time (and had existed for generations theretofore), into its federal system. *Third*, the National Guard and the Naval Militia are not "militia" at all, but instead are the "Troops, or Ships of War" which the States may "keep * * * in time of Peace" "with[] the Consent of Congress".^[491] *And fourth*, the "well regulated Militia" which the Constitution declares to be "necessary to the security of a free State" can *never* be "unorganized"^[501] as is manifested most obviously in the Constitution's delegation to Congress of the power "[t]o provide for organizing * * * the Militia" (not for "unorganizing" or "*disorganizing*" them).^[511] Nonetheless, assuming *arguendo* that there exists *some* valid interpretation of the statute just quoted,^[521] "the unorganized militia" as defined therein today plainly corresponds to a significant degree to "the militia" as originally understood in the statutes in force from 1792 to 1903. And, as the old saying has it, "close enough suffices for government work".

So, if the National Guard and the Naval Militia can be taken *arguendo* to be parts of "the militia" embraced by the statutes which now authorize the President to call forth "the militia", simply because Congress has described them as "the *organized* militia", then so too must "the *unorganized* militia" be considered no less equally part of "the militia" as a whole for the purposes of those statutes, again simply because Congress has so described it. Moreover, because the statutes which provide for calling forth "the militia" do not limit the President's authority to any particular part of "the militia", whether "organized" or "unorganized", he may choose to call forth promiscuously from, call forth selectively from, and indeed call forth *exclusively* from "the unorganized militia" such personnel as he may deem necessary, and in any manner and

to any degree which he may see fit.^[53]

Of course, both of those statutes also provide that the President may employ for their purposes the regular Armed Forces; and one allows for even “any other means”, which today might arguably include the Department of Homeland Security and other civilian bureaucracies under the President’s authority.^[54] The President should use “the unorganized militia”, and *only* “the unorganized militia”, in preference to the regular Armed Forces, however, because: *First*, the Constitution does not expressly delegate to the Armed Forces the authority and responsibility “to execute the Laws of the Union”.^[55] *Second*, if at all possible, a “standing army” should *never* be deployed to enforce domestic laws.^[56] *And third*, as observed above, the National Guard and the Naval Militia are not any sort of “militia” at all, but instead are the “Troops, or Ships of War” which the States may “keep * * * in time of Peace” “with[] the Consent of Congress”, and thus are components of a “standing army”. Furthermore, the President should use “the unorganized militia”, and *only* “the unorganized militia”, in preference to some civilian bureaucracy with investigatory and law-enforcement powers, simply because, during the last fifteen years, *not a single one* of the latter agencies has provided the least evidence that it is willing, trustworthy, diligent, or even competent enough to do the job—for otherwise the job would already have been done, or would be well on its way to being completed.

C- Because “the unorganized militia” consists of the bulk of this country’s adult population,^[57] no particularly taxing effort would be required to find within “such of the militia of any State * * * as [t]he [President] consider[ed] necessary to enforce th[]e laws [of the United States]”^[58] a superfluity of individuals who had the appropriate types of education, skills, experiences, and temperaments with regard to criminal

investigations, prosecutions, and related matters to perform or oversee *proper and thoroughgoing* inquiries into the 9-11 Event. In each State, "the unorganized militia", more than any other group within society because it consists of individuals drawn from *all* groups, should be keenly interested in seeing to the suppression of every "unlawful combination, or conspiracy" connected with that crime which "hinders the execution of the laws of that State, and of the United States within th[at] State" or "opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws".^[59] And because "the unorganized militia" would supply such an extensive pool from which the President could draw the necessary and sufficient personnel, those "unlawful combination[s], or conspirac[ies]" intent upon preventing exposure of the dark facts which lie at the base of the 9-11 Event would find it utterly impossible to coöpt, corrupt, or coerce enough of those personnel to divert from their course, let alone to subvert altogether, the investigations "the unorganized militia" would conduct or supervise under the President's direction.

In practice, the President could call forth annually from each of the several States an average (say) of 1,000 individuals who were then members of "the unorganized militia". (Some States might provide more, some States less, in proportion to their populations, as convenience dictated.) This would make available to the President a total yearly force of 50,000 militiamen. These individuals would be selected by the Governors of the several States (the commanders in chief of the States' "unorganized militia"),^[60] according to criteria promulgated by the President as "Commander in Chief * * * of the Militia of the several States, when called into the actual Service of the United States",^[61] and therefore the "Commander in Chief" of the Governors as well. The criteria for selection would relate to the militiamen's qualifications relevant to the technical, legal, and other tasks that would be involved

in investigating the 9-11 Event. Because so few members of “the unorganized militia” would be called forth, and in light of the seriousness of the matter, the Governors would likely be able to rely on large numbers of volunteers, as well as to draft without difficulty sufficient qualified individuals to fulfill the States’ quotas.^[62] In any event, there could be no question of the Governors’ authority, *and enforceable duty*, to implement the President’s directive to call forth “the unorganized militia”,^[63] or of each eligible citizen’s equally enforceable duty to report for active service when so summoned.^[64]

Financial support for members of “the unorganized militia” “call[ed] forth * * * to execute the Laws of the Union” with respect to the 9-11 Event could be drawn from such moneys in general tax revenues as have been, or would be, allocated by the governments of the United States and of the several States to “the Militia of the several States” when they were “employed in the Service of the United States”.^[65] But, in keeping with constitutional principles of “well regulated Militia”, the necessary funds could also—and should preferably—be drawn from those members of “the unorganized militia” who, although not called forth for active service, could be required to subsidize their fellow militiamen’s activities, these fees being the *quid pro quo* for their exemptions from the active service otherwise incumbent upon them.^[66]

A simple example demonstrates the practicality of the latter approach: As of this writing, in Virginia the total number of males and females of ages 18 through 45 in households, who would qualify in principle for “the unorganized militia”, is approximately 2,816,000. Subtracting (say) ten percent of these who would be ineligible for any service in practice due to some serious disability leaves 2,534,400. Subtracting the 1,000 called forth for active duty leaves 2,533,400. Were each

of these remaining individuals required to pay a fee of merely \$20 for an annual exemption from active duty under the President's call, "the unorganized militia" in Virginia would have available a yearly renewable fund of \$50,668,000. Allocated amongst the 1,000 citizens who were drafted into, or who volunteered for, active duty, this would provide \$50,668 *per capita per annum*—certainly an amount sufficient to support each such individual for that length of time.¹⁶⁷¹ (Of course, it could also be expected that not a few members of "the unorganized militia" especially qualified and eager to participate in an investigation of the 9-11 Event would be willing and able to provide their services without an expectation of full compensation, given the importance of the task at hand.)

4- Both exposure of the 9-11 Event and revitalization of "the Militia of the several States" would be well served by cultivating a symbiotic relationship between the two.

As just explained, "the Militia of the several States" could materially assist in the final solution of the 9-11 Event—indeed, they are arguably the *only* institutions capable of doing so to the requisite degree under present conditions. And that particular employment of the Militia could materially assist the Militia to reassert their rightful position of authority throughout America's federal system.

Today, "the Militia of the several States" are "the orphan children" in that system—primarily because the very last thing "the shadow government" wants is for the American people even to recognize their constitutional authority "to execute the Laws of the Union" (and the laws of the States, as well), let alone to exercise that authority under circumstances in which the members of "the shadow government" would become the ultimate targets. Fear of the great mass of ordinary Americans caused "the shadow government" at the turn of the Twentieth Century to invent the oxymoronic and *anti*-constitutional

fantasy of “the *unorganized militia*” in the first place, just as it causes “the shadow government” today not only to perpetuate that fiction but also viciously to denounce, defame, and politically marginalize anyone and everyone who dares to advocate the revitalization of the properly organized—and thus fully empowered—Militia which the Constitution requires. For an “*unorganized militia*” could hardly “execute the Laws” unless and until in one way or another it became “organized”, which (in the absence of an immediately *pre-revolutionary* state of affairs^[681]) would necessitate the action of some high public official (such as a patriotic President or State’s Governor) not beholden to or cowed by “the shadow government”. In addition, even a patriotic and independent President would need to put forward some urgent and notable reason to call forth “the *unorganized militia*” from amongst a population largely unfamiliar with the constitutional place, purpose, and practical rôle of “the Militia of the several States” as America’s ultimate law-enforcement agencies.

Although many justifications now exist for calling forth “the Militia of the several States”,^[691] the need for a thoroughgoing and transparent inquiry into the 9-11 Event may be the single issue which is being sufficiently developed and publicized to catch the public’s attention and inspire large numbers of ordinary Americans to take action. Once enough people realize the necessity for such an investigation, they can be convinced that the success of that undertaking demands the participation of the Militia.

None of this can ever take place, however, unless and until those who advocate complete examination and exposure of the 9-11 Event realize that they can never succeed in their endeavor without the assistance of the Militia. To be sure, along with millions of other Americans who have been subjected to relentless brainwashing by “the mainstream media” over the last several decades, they may be leery of advocating anything

even tangentially connected with the noun "militia", lest they be rhetorically brutalized as dangerous "extremists" who advocate measures beyond the pale marked out by the surveyors of "political correctness". Yet how could those who reject the official conspiracy theory of the 9-11 Event and call for an honest and competent investigation be derided as any more "extreme" than they already are by the media, simply because they proposed the involvement in such an inquiry of the Militia, the *only* governmental establishments to which the Constitution explicitly delegates the authority and responsibility "to execute the Laws of the Union"? Are those laws *never* to be enforced at all (as they have not been enforced to date) with respect to the 9-11 Event? Or are they not to be enforced *specifically by the Militia*, even though enforcement by the Militia is likely the only efficacious means for their enforcement? And which, after all, requires more courage: to point out the glaring falsity of the official conspiracy theory of the 9-11 Event, with all that implies as to the criminal character of the originators of and subsequent apologists for that concoction; or, in the search for the truth of the matter, to demand the employment of the statutes described above, which have been on the books in one form or another for over a hundred or even two hundred years, and which obviously apply in spades to the complex of issues surrounding the 9-11 Event as if they had been enacted just yesterday?

5- Enlisting "the Militia of the several States" in the investigation of the 9-11 Event will begin the process of restoring "the security of a free State" throughout America.

The official conspiracy theory of the 9-11 Event has rationalized numerous actions by public officials which have systematically undermined "the security of a free State" everywhere within this country—and not as a matter of unintended consequences, either.¹⁷⁰¹ The Constitution identifies as "necessary to the security of a free State" only a single

institution: namely, “[a] well regulated Militia”.^[71] Therefore, if examination of and exposure of the truth about the 9-11 Event are, in their own way, *fully* to serve the purpose of restoring “the security of a free State” in the *full* constitutional sense of that phrase, they should—indeed, they *must*—employ the Militia.

Calling forth the Militia “to execute the Laws of the Union” with respect to the 9-11 Event will constitute a precedent for their employment too conspicuous for “the mainstream media” to disregard and too efficacious for them to gainsay. Once the Militia have proven themselves invaluable in that endeavor, they will be recognized by every patriotic American as no less useful with respect to other issues as well. Thus, the final solution of the mystery cloaking the 9-11 Event through the intervention of the Militia will promote the step- by-step restoration of “the security of a free State” across the board. For the Militia are supremely powerful tools which can be employed for scouring out *each and every one* of the dark, dank, and dirty holes in which rogue public officials have hidden the evidence of every sort of their wrongdoing. Even if in the final analysis only the Shadow knows “what evil lurks in the hearts of men”, the Militia will bring to light *whatever* evils the minds of such impious men have concocted and their hands have wrought. Only such a veritable lustration of this country through the systematic, thoroughgoing, and uncompromising “execut[ion of] the Laws of the Union” by the Militia can finally ensure fulfillment of the Constitution’s purpose to “establish Justice”^[72] with respect, not only to the 9-11 Event, but also to every other complex of criminal iniquity in high places which now plagues America.

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Footnotes:

¹ This situation, of course, is not unique to the 9-11 Event. The same could be, and by many credible investigators has been, maintained with respect to the assassinations of John F. Kennedy, Robert F. Kennedy, and Martin Luther King; to the Oklahoma City Bombing; and to other shocking crimes of national import which have left Americans capable of critical thought in disbelief, disarray, and dismay.

 ² It could even be charged that these anomalies represent outright malfeasance: namely, a cynically calculated refusal on the part of most of the press to perform the duty inherent in the Constitution's guarantee of "freedom * * * of the press" to investigate and expose wrongdoing by public officials. See U.S. Const. amend. I. After all, it would be absurd to construe the Constitution as protecting "freedom * * * of the press" so that the press could collude with rogue officials in order to deceive and delude the public in aid of those officials' misbehavior. Indeed, these anomalies could very well evidence the complicity of segments of the press in the real conspiracy underlying the 9-11 Event—as perhaps exemplified by the BCC's televised on-the-scene report of the collapse of World Trade Center Building 7 long before it occurred or any innocent party could have known that it would occur.

 ³ See U.S. Const. art. IV, § 4.

 ⁴ *Chisholm v. Georgia*, 2 U.S. (2 Dallas) 419, 457 (1793) (opinion of Wilson, J.).

 ⁵ As the Declaration of Independence asserts, under "the Laws of Nature and of Nature's God" "Governments are instituted among Men, deriving their just powers from the consent of the governed". The people *cannot* consent to public officials' refusals to exercise the "just powers" delegated to them, let alone acquiesce in rogue officials' claims to

exercise “unjust powers” which the people are incapable of delegating in the first place. And, under the Constitution, no public official can assert a personal license either to disregard the “just powers” delegated to him or to arrogate “unjust powers” to himself, because no public official is the source of any real or imaginary governmental power, “just” or “unjust”. Rather, “We the People of the United States * * * do ordain and establish th[e] Constitution”—not just once upon a time in the distant past, but, as the present tense of the verb “do” indicates, even today and every day hereafter as well. U.S. Const. preamble.

 ⁶ U.S. Const. amend. I.

 ⁷ The real conspiracy which brought about the destruction at the World Trade Center did not end when the clouds of toxic debris that spewed forth from the demolished buildings finally settled. It has continued and will continue, to this very day and into the indefinite future, in the form of a cover-up both extensive and intensive, designed to throw the dust of disinformation into Americans’ eyes in order to prevent them from ever discovering what really happened and who was to blame. For such a cover-up to have been effective for so long, though, untold numbers of rogue public officials must have participated in one way, to one degree, and for one reason or another—whether knowingly and willfully, through willful blindness, or as the result of reckless disregard of the facts. Skeptics may ask how all of these people could have been expected to hold their tongues for so long? The answer is plain enough. Even if not planned from the very beginning, the cover-up immediately became an integral part of the original conspiracy, and transformed the conspiracy which might have ended with the actual 9-11 attack into a *continuing* conspiracy for which no statute of limitations will ever toll as long as the cover-up goes on. Through their participation in the cover-up these rogue officials allied with the original conspirators and thus rendered themselves answerable for each

and every one of the crimes committed by those villains in the course of *both* the cover-up *and* the underlying conspiracy, *including the murders of several thousand Americans*. Self-evidently, these murders deprived the victims of their fundamental constitutional rights to life itself. So all of the malefactors, whether in public office or private station, or whether complicitous in the original conspiracy or only in the cover-up, are liable to prosecution under (for example) 18 U.S.C. § 241, which provides (in pertinent part) that “[i]f two or more persons conspire to injure * * * any person in any State * * * in the free exercise or enjoyment of any right * * * secured to him by the Constitution or laws of the United States, * * * if death results from the acts committed * * * they shall be fined * * * or imprisoned for any term of years or for life, or both, or may be sentenced to death”. Therefore, unless he could secure immunity by agreeing to testify as a witness for the prosecution, no participant in the cover-up would ever be likely to speak up (even were he not afraid of being assassinated by some arm of the conspiracy as soon as he attempted to make such a deal).

 ⁸ The FBI’s recent scandalous refusal to recommend criminal prosecution of Mrs. Hillary Clinton for her alleged mishandling of classified information during her tenure as Secretary of State provides an example of the problem of having to depend upon the investigators to investigate themselves almost trivial in comparison to the 9-11 Event.

 ⁹ Ideally, this official should also be a person imbued with courage, integrity, determination, and no little intelligence. But none of those characteristics will be of much moment if the one who exhibits them does not occupy an official position possessed of sufficient *legal and political power* to compel obedience to his directives.

 ¹⁰ To some extent, the tasks proposed here for the President could be undertaken by the Governors in those States which

were directly affected by the 9-11 Event. That, however, would provide at best only a partial and disjointed solution.

In addition, this study refers specifically to “the *next* President of the United States” (rather than indefinitely to “*some future* President”), because time is rapidly running out—not only for exposure of the miscreants responsible for the 9-11 Event, but also for restoration of constitutional government in this country, the foundations of which the 9-11 Event and its sequelae have undermined to near the point of collapse.

___¹¹ U.S. Const. art. II, § 1, cl. 7.

___¹² U.S. Const. art. II, § 3.

___¹³ U.S. Const. art. II, § 2, cl. 1.

___¹⁴ U.S. Const. art. I, § 8, cl. 15.

___¹⁵ See U.S. Const. art. II, § 2, cl. 2.

___¹⁶ For a general introduction to the concept of “state crimes against democracy”, see the articles collected in *American Behavioral Scientist*, Volume 53, Number 6 (February 2010).

___¹⁷ See, e.g., 18 U.S.C. §§ 1001, 1505, 1512, 1513, 1515, and 2071.

___¹⁸ U.S. Const. art. II, § 3.

___¹⁹ U.S. Const. art. I, § 8, cl. 15.

___²⁰ U.S. Const. art. II, § 2, cl. 1.

___²¹ U.S. Const. amend. II.

____²² History has made this “necess[ity]” manifest. For both the regular Armed Forces and the national-security bureaucracy erected since World War II proved themselves incompetent to prevent the 9-11 Event. And neither Congress, nor the Judiciary, nor any President to date has demonstrated either the willingness or the ability to investigate the matter to the degree its seriousness warrants.

____²³ U.S. Const. art. I, § 8, cl. 15.

____²⁴ Compare U.S. Const. art. I, § 8, cls. 12 through 14 (“Armies”, “a Navy”, and “the land and naval Forces”) with cl. 18. This rationale would perhaps not be controversial as applied to armed “Insurrections” and actual “Invasions”. But it would incur justifiable disagreement with respect to general “execut[ion of] the Laws of the Union”. For one of the charges the Declaration of Independence lodged against King George III was that “[h]e has affected to render the Military independent of and superior to the Civil power”. Being in the final analysis a product of the Declaration, the Constitution surely does not license Congress to permit America’s Armed Forces to exercise anything akin to the same abusive authority which this country’s Founders put forward as a justification for the War of Independence.

____²⁵ See generally Edwin Vieira, Jr., *Constitutional “Homeland Security”, Volume Three, By Tyranny Out of Necessity: The Bastardy of “Martial Law”* (Ashland, Ohio: Bookmasters, Inc., Revised & Expanded Second Edition, 2014, 2016).

____²⁶ U.S. Const. amend. II.

____²⁷ See Edwin Vieira, Jr., *Constitutional “Homeland Security”, Volume Two, The Sword and Sovereignty: The Constitutional Principles of “the Militia of the Several States”* (Front Royal, Virginia: CD-ROM Edition, 2012),

Chapters Four, Fifteen, and Thirty-one.

²⁸ See U.S. Const. art. I, § 8, cl. 16 (the Constitution “reserv[es] to the States respectively, the Appointment of the Officers [in the Militia]”) *and* amend. X (“[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively * * *”). What the Constitution *explicitly* “reserve[s] to the States” cannot conceivably be “delegated to the United States”.

²⁹ See *Gilligan v. Morgan*, 413 U.S. 1, 5-12 (1973).

³⁰ See E. Vieira, Jr., *The Sword and Sovereignty*, *ante* note 27, Chapters Five, Sixteen, and Thirty-five.

³¹ U.S. Const. art. I, § 8, cl. 15.

³² U.S. Const. art. II, § 2, cl. 1.

³³ *An Act to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections and repel invasions*, Act of 2 May 1792, Chap. XXVIII, § 2, 1 Stat. 264, 264.

³⁴ *An Act to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions; and to repeal the Act now in force for those purposes*, Act of 28 February 1795, Chap. XXXVI, § 2, 1 Stat. 424, 424. Note that this statute, in contradistinction to its predecessor, imposed *no* time-limits on the President’s deployment of the Militia. This set the pattern for all future legislation on the subject.

³⁵ *An Act authorizing the employment of the land and naval forces of the United States, in cases of insurrections*, Act of 3 March 1807, Chap. XXXIX, 2 Stat. 443, 443.

____³⁶ *An Act to provide for the Suppression of Rebellion against and Resistance to the Laws of the United States, and to amend the Act entitled "An Act to provide for calling forth the Militia to execute the Laws of the Union," &c., passed February twenty-eight, seventeen hundred and ninety-five, Act of 29 July 1861, Chap. XXV, 12 Stat. 281, 281; later substantially incorporated in Revised Statutes of the United States (1873-1874), TITLE LXIX, insurrection, § 5298, 18 Stat. 1029, 1029.*

____³⁷ 10 U.S.C. § 252. As to "the armed forces", this statute is an exception to the so-called "posse comitatus act". 18 U.S.C. § 1385, *originally* An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes, Act of 18 June 1878, chap. 263, § 15, 120 Stat. 145, 142.

____³⁸ U.S. Const. amend. XIV, §§ 1 and 5.

____³⁹ 10 U.S.C. § 253. This is also an exception to "the posse comitatus act". See 18 U.S.C. § 1385.

____⁴⁰ Various lists of plausible suspects, of course, have been compiled in unofficial studies. See, e.g., Kevin Robert Ryan, *Another Nineteen: Investigating Legitimate 9/11 Suspects* (Microbloom, 2013).

____⁴¹ See generally Edwin Vieira, Jr., *Constitutional "Homeland Security", Volume Three, By Tyranny Out of Necessity: The Bastardy of "Martial Law"* (Ashland, Ohio: Bookmasters, Inc., Revised & Expanded Second Edition, 2014, 2016).

____⁴² *An Act more effectually to provide for the National Defence by establishing an Uniform Militia throughout the United States, Act of 8 May 1792, Chap. XXXIII, § 1, 1 Stat. 271, 271.*

⁴³ Congress put forth this definition, of course, for the sole purpose of identifying whom it had decided the United States was entitled and needed to “call forth[]” to perform one or more of the three functions the Constitution stipulates for the Militia “when called into the actual Service of the United States”. See U.S. Const. art. I, § 8, cls. 15 and 16, and art. II, § 2, cl. 1. This was a sufficient *statutory* definition for Congress’s purpose at the time; but it did not, because it could not, purport to define *constitutionally* the total possible enrollment of the Militia for that or any other time. See *Eisner v. Macomber*, 252 U.S. 189, 206 (1920). In that or some other statute, Congress could have “provide[d] for calling forth” younger as well as older Americans. Moreover, the several States were then and are today not bound by this or any other Congressional definition with respect to the individuals whom they might call forth in their own Militia for their own purposes not connected with “the actual Service of the United States”.

⁴⁴ Revised Statutes of the United States (1873-1874), TITLE XVI, the Militia, § 1625, 18 Stat. 285, 285.

⁴⁵ An Act To promote the efficiency of the militia, and for other purposes, Act of 21 January 1903, chap. 196, 32 Stat. 775; An Act To further amend the Act entitled “An Act to promote the efficiency of the Militia, and for other purposes,” approved January twenty-first, nineteen hundred and three, Act of 27 May 1908, chap. 204, 35 Stat. 399; An Act To provide for raising the volunteer forces of the United States in time of actual or threatened war, Act of 25 April 1914, chap. 71, 38 Stat. 347; and An Act For making further and more effectual provision for the national defense, and for other purposes, Act of 3 June 1916, chap. 134, 39 Stat. 166.

⁴⁶ 10 U.S.C. § 246.

⁴⁷ See U.S. Const. art. II, § 2, cl. 1, *and* art. I, § 8, cls. 16 and 15, respectively (emphases supplied). In the statutory phrase “the militia of the United States”, “militia” is a *singular* noun, as the *singular* verb “consists” attests; whereas, in the constitutional phrase “the Militia of the several States”, “Militia” is a *plural* noun. Compare U.S. Const. art. II, § 2, cl. 1 *with* art. I, § 8, cls. 15 and 16, especially cl. 16 (“such Part of *them*”). Furthermore, a true “militia of the United States” would *always* be subject to the control of the United States, in the same manner as are “the Army and Navy of the United States”; whereas “the Militia of the several States” must be “called into the actual Service of the United States” from their own States before they become subject to the expressly limited power of Congress “[t]o provide * * * for governing such Part of them as may be employed in the Service of the United States”. Compare U.S. Const. art. II, § 2, cl. 1 *with* art. I, § 8, cl. 16.

⁴⁸ See U.S. Const. art. I § 8, cls. 12 and 13, *and* art. II, § 2, cl. 1..

⁴⁹ U.S. Const. art. I, § 10, cl. 3. Although this has largely been forgotten today, it was recognized at the time creation of the National Guard began. See, e.g., Elihu Root, “addresses at the fifth annual convention of the interstate national guard association of the united states, columbus, ohio, may 4, 1903, *in* THE MILITARY AND COLONIAL POLICY OF THE UNITED STATES, addresses and reports (Cambridge, Massachusetts: Harvard University Press, 1916), 137, especially at 149. Of course, the true constitutional character of the National Guard is also evident upon the faces of the statutes which created it. See An Act To promote the efficiency of the militia, and for other purposes, Act of 21 January 1903, chap. 196, 32 Stat. 775; An Act To further amend the Act entitled “An Act to promote the efficiency of the Militia, and for other purposes,” approved January twenty-

first, nineteen hundred and three, Act of 27 May 1908, chap. 204, 35 Stat. 399; An Act To provide for raising the volunteer forces of the United States in time of actual or threatened war, Act of 25 April 1914, chap. 71, 38 Stat. 347; and An Act For making further and more effectual provision for the national defense, and for other purposes, Act of 3 June 1916, chap. 134, 39 Stat. 166.

⁵⁰ Compare U.S. Const. amend. II with E. Vieira, Jr., *ante* note 27, Chapters Five, Ten, Sixteen, Twenty-one, Thirty-four, and Thirty-seven.

⁵¹ U.S. Const. art. I, § 8, cl. 16. Self-evidently, the selfsame constitutional provision cannot empower Congress to provide both for the fulfillment of some purpose and for its negation. *"The rule of construction of the Constitution being, that affirmative words in the Constitution * * * must be construed negatively as to all other cases."* *Ex parte Vallandigham*, 68 U.S. (1 Wallace) 243, 252 (1864) (emphasis in the original) (footnote omitted). *Accord*, *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 174 (1803); and *Cohens v. Virginia*, 19 U.S. (6 Wheaton) 264, 394-395 (1821).

⁵² See Edwin Vieira, Jr., *Constitutional "Homeland Security"*, Volume One, *The Nation in Arms* (Ashland, Ohio: Bookmasters, Inc., 2007), at 50-54.

⁵³ See U.S. Const. art. I, § 8, cl. 16 (emphasis supplied): The Constitution delegates to Congress the power "[t]o provide * * * for governing *such Part of them* [*i.e.*, the Militia] as may be employed in the Service of the United States". And the statutes leave to the President the discretion to employ such "Part of them" as he deems necessary and proper under the circumstances then extant.

⁵⁴ This assumes, of course, that these "any other means" may themselves be constitutionally and statutorily employed for

that purpose.

⁵⁵ Contrast U.S. Const. art. I, § 8, cl. 15 with cls. 12 and 13.

⁵⁶ See generally Edwin Vieira, Jr., *Constitutional "Homeland Security", Volume Three, By Tyranny Out of Necessity: The Bastardy of "Martial Law"* (Ashland, Ohio: Bookmasters, Inc., Revised & Expanded Second Edition, 2014, 2016).

⁵⁷ See 10 U.S.C. § 246(b)(2). See, e.g., Code of Virginia §§ 44-1 and 44-4. Virginia is cited as an example only because the present author happens to live in that Commonwealth. A search of other States' codes can discover equivalent provisions which equally support the analysis provided here.

⁵⁸ See 10 U.S.C. § 252.

⁵⁹ See 10 U.S.C. § 253.

⁶⁰ See, e.g., Code of Virginia § 44-8.

⁶¹ U.S. Const. art. II, § 2, cl. 1.

⁶² See, e.g., Code of Virginia §§ 44-87 and 44-89.

⁶³ See, e.g., Code of Virginia §§ 44-9; 44-75.1(A)(2) and (7); 44-80; 44-81; 44-86; and 44-87.

⁶⁴ See, e.g., Code of Virginia § 44-90. To be sure, the crazy-quilt nature of ostensible "militia" laws extant today in various States' codes would not preclude the possibility of peculiar situations arising under those laws. For example, Code of Virginia § 44-54.4 establishes "[t]he Virginia Defense Force with a targeted membership of at least 1,200". It further provides that, "[w]hen called to active duty, the mission of the Virginia Defense Force shall be to * * *

provide a military force to respond to the call of the Governor in those circumstances described in [Code of Virginia] § 44-75.1". The latter section of the Code would authorize the Governor to call forth "the unorganized militia" in response to a directive from the President under 10 U.S.C. §§ 252 or 253 or both. Nonetheless, Code of Virginia § 44-54.4 also mandates that "[n]othing in this article shall be construed as authorizing the Virginia Defense Force or any part thereof to be called, ordered, or in any manner drafted by federal authorities into the military service of the United States". And Code of Virginia § 44-88 directs that, "[w]henever the Governor orders out the unorganized militia or any part thereof, it shall be incorporated into the Virginia Defense Force until relieved from service". So, were the President to order the Governor to call forth "the unorganized militia", the latter two statutes would supposedly prevent the individuals called forth from being employed in the service of the United States for which they were called forth! Obviously, though, the apparent conflict between 10 U.S.C. §§ 252 and 253, on the one hand, and Code of Virginia §§ 44-54.4 and 44-88, on the other hand, must be resolved in favor of the former statutes. See U.S. Const. art. VI, cls. 2 and 3.

⁶⁵ See, e.g., Code of Virginia §§ 44-11.1(A)(1), 44-14, and 44-76. See generally U.S. Const. art. I, § 8, cl. 1 ("[t]he Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to * * * provide for the common defence * * * of the United States").

⁶⁶ See E. Vieira, Jr., *The Sword and Sovereignty*, ante note 27, Chapters Eleven, Twenty-two, and Thirty-six. For example, Code of Virginia § 44-5(11) "exempt[s] from military duty under a state call * * * [s]uch * * * persons as may be designated by the Governor in the best interests of the public and of the Commonwealth". In coöperation with the President, the Governor could determine that it would be "in the best interests of the public and of the Commonwealth" to exempt all

persons eligible for “duty under a state call”, other than the 1,000 who volunteered or were specially selected, if those to be exempted paid a fixed fee for that privilege.

___⁶⁷ Alternatively, it might be considered equitable to pay each Militiaman an amount approximating the regular income from the private employment he would have to forego as the consequence of his service. In that event, some Militiamen might be paid more, some less, than the average amount calculated in the text. Moreover, if an exemption fee of \$20 *per capita* proved insufficient, the toll could easily be raised to \$40 or \$60. What patriot could complain that an exaction of \$60 *per annum* was “too much” to pay to bring the perpetrators of the 9-11 Event to justice, howsoever belatedly?

___⁶⁸ See E. Vieira, Jr., *The Sword and Sovereignty*, ante note 27, Chapter Twenty-one, Part J.

___⁶⁹ See, e.g., *id.*, Chapter Forty-two, Part E.

___⁷⁰ See, e.g., *id.*, Chapter Forty-eight, and Edwin Vieira, Jr., *Constitutional “Homeland Security”, Volume Three, By Tyranny Out of Necessity: The Bastardy of “Martial Law”* (Ashland, Ohio: Bookmasters, Inc., Revised & Expanded Second Edition, 2014, 2016).

___⁷¹ U.S. Const. amend. II.

___⁷² U.S. Const. preamble.