I haven’t written. Blame Amateur Radio.



I haven’t updated this blog as much as I like. You can see that my last update was related to my new amateur radio, or HAM, hobby. Getting the basic Technician License to operate on amateur radio frequencies is not difficult, but does require study. What exactly is amateur radio?

Non-licensed radios

There are several radio services that the FCC allows you to use “by rule.” What that means is that you can used these services without a license so long as you comply with FCC regulations outlined in 47 CFR. These are broken up into “parts,” such as Part 95. Part 95 of the regulations covers the radio services we will discuss. It also covers General Mobile Radio Service (GMRS) which is a licensed service.

The best known of the unlicensed services is Citizens Band (CB) radio. Another is Family Radio Service (FRS) which are those little handheld radios you buy at the big box stores. These radios generally come packaged with GMRS frequencies. You are not supposed to use that GMRS channels unless you have a license. The instructions warn you of that, but who reads instructions? There is also a little known service called Multi-Use Radio Service or MURS.

Each of these services are broken up into “channels.” You do not have to concern yourself with frequencies, but you can find them on the Internet at the FCC web site. You just have to make sure the transmitting and receiving radios are on the same channel. Transmitting and receiving on the same frequency is called SIMPLEX in the amateur radio service.

These services are limited in power to no more than five-

watts. That might get you one or two miles. With any of these you can add an external antenna which will extend your range depending on how high you can get it up. There is a limit as to how high you can put your antenna up.

Consult the regulations prior to using any of these services.

GENERAL MOBILE RADIO SERVICE

We covered this service above. As of this writing, the Federal Communications Commission requires you to obtain a license to use this band of radio frequencies. There is a move by the FCC to remove this requirement, but if they do they had better send me back my $90. That is the current price of a GMRS license.

I won't hold my breath.

AMATEUR RADIO

Amateur radio is different that any of the above services. To begin with, it is the oldest. It started when radio first became popular in the early 1900s. It is covered by its own section in 47 C.F.R. known as Part 97. And the license only costs $15.

The purpose of amateur radio, according to §97.1, is:

> *The rules and regulations in this part are designed to provide an amateur radio service having a fundamental purpose as expressed in the following principles:*
>
> *(a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications.*
> *(b) Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art.*
> *(c) Encouragement and improvement of the amateur service through rules which provide for advancing skills in both the*

communication and technical phases of the art.
(d) Expansion of the existing reservoir within the amateur radio service of trained operators, technicians, and electronics experts.
(e) Continuation and extension of the amateur's unique ability to enhance international goodwill.

The answer to one of the questions on the test is "Advancing skills in the technical and communication phases of the radio art."

Once you get a license the real education in this radio art begins. You will have to shop radios, antennas and other equipment. You can get as expensive or as cheap as you want. Most people get just get a license so they can operate one of those cheap Baofengaled radios that are being dumped on the market through repeaters.

Repeaters are, basically, specialized radios set up throughout the U.S. on mountaintops and other high places to extend the range of your communication. Unlike SIMPLEX we discussed earlier, these operate in DUPLEX mode. That means they receive on one frequency, but transmit on another. I won't get too involved since this is a basic discussion.

The point is that with amateur radio you can communicate internationally, so long as the country you are communicating with has not complained to the International Telecommunications Union (ITU).

Another aspect of amateur radio is emergency communications. The FCC has set up a group called RACES while the ARRL has established ARES. Both provide emergency communications when all else fails. NOAA, the national weather service, has established SKYWARN where trained weather spotters report unusual weather conditions. You do not have to be a Ham to join SKYWARN, by the way. You can report on the Internet or telephone.

AMATEUR RADIO CLUBS

There are a myriad of amateur radio clubs on the local and national level. The American Radio Relay League (ARRL) is the biggest in the U.S. and operates on a national level. There are clubs to support the repeater systems in your area. There are clubs where local Hams get together and exchange information.

You do not have to belong to any club to obtain a license nor are you required to join thereafter. They are just a good idea.

My time is currently taken up with getting a good system up and putting together emergency field systems. I have obtained the Extra license (the highest level) and become certified as an ARRL VEC volunteer examiner. I am trying to help others in the area obtain their licenses.

Of course I had to set up my Ham web site and continue with my reporter work. So for now I'll just say "73s."

That's Ham speak for good bye and have a good day.

I am militia. And so, probably, are you.

> *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.*

Second Amendment of the Bill of Rights, U.S. Archives

> *There is something so far-fetched and so extravagant in the idea of danger to liberty from the militia, that one is at a loss whether to treat it with gravity or with raillery; whether to consider it as a mere trial of skill, like the paradoxes of rhetoricians; as a disingenuous artifice to instil prejudices at any price; or as the serious offspring of political fanaticism. Where in the name of common-sense, are our fears to end if we may not trust our sons, our brothers, our neighbors, our fellow-citizens? What shadow of danger can there be from men who are daily mingling with the rest of their countrymen and who participate with them in the same feelings, sentiments, habits and interests? What reasonable cause of apprehension can be inferred from a power in the Union to prescribe regulations for the militia, and to command its services when necessary, while the particular States are to have the SOLE AND EXCLUSIVE APPOINTMENT OF THE OFFICERS?*

Alexander Hamilton, Federalist Paper No. 29

I will start off this article with a quick discussion of the numeric importance of the Bill of Rights. Some have in mind that the Second Amendment, as we know it today, is placed at Number Two for a reason. Actually it is not. None of the Bill of Rights is more important that any other. The Second Amendment started out as Number 4 because there were actually twelve proposed amendments originally intended to make up the Bill of Rights. The first two were cut.

I have heard from various organizations and people who have disparaged the militia. This is actually not, necessarily, their fault. It is the fault of the media and your own government. The problem is that these people do not check the

facts. What concerns me is that groups that should know better want to somehow distance themselves from the fact that they are militias.

The picture of the militia that the *Department of Fatherland Security* and the *Southern Enriched-by-taxpayer-dollar Law Center* paint of the militia is patently false. I would like to say that they misunderstand the concept of the militia or even that they truly believe that old line about our military taking care of us. I know better, however. Their whole plan is to scare you into thinking that they are somehow concerned for your safety.

The fact is that I am militia and have no choice. More than likely, so are you.

I am not going to offer just my own opinion on the matter. I will source information that you can look up and find on the Internet. Many from government sources. You will see that the laws concerning the subject are rather convoluted and that is by design. I hope to straighten everything out with the words of the so-called founding fathers. After all that is what Justice Sonya Sotomayor advised.

The one thing you should keep in mind is that the militia is not a concept developed by Americans. It goes way back. It was brought to America, however, by the first settlers of the Virginia colony in 1607. It stayed with us throughout the development of the Thirteen Colonies until it was used to throw off the perceived chains of tyranny by the British Crown.

It is a fact that the militia actually reacted when Britain sent troops to round up the guns of the Massachusetts militia. While Congress debated independence in 1775, the War of Independence had already begun on the battlefields of Lexington and Concord.

In his General Orders of July 2, 1776, General George

Washington wrote:

> *The time is now near at hand which must probably determine, whether Americans are to be, Freemen, or Slaves; whether they are to have any property they can call their own; whether their Houses, and Farms, are to be pillaged and destroyed, and they consigned to a State of Wretchedness from which no human efforts will probably deliver them. The fate of unborn Millions will now depend, under God, on the Courage and Conduct of this army—Our cruel and unrelenting Enemy leaves us no choice but a brave resistance, or the most abject submission; this is all we can expect—We have therefore to resolve to conquer or die: Our own Country's Honor, all call upon us for a vigorous and manly exertion, and if we now shamefully fail, we shall become infamous to the whole world—Let us therefore rely upon the goodness of the Cause, and the aid of the supreme Being, in whose hands Victory is, to animate and encourage us to great and noble Actions—The Eyes of all our Countrymen are now upon us, and we shall have their blessings, and praises, if happily we are the instruments of saving them from the Tyranny meditated against them. Let us therefore animate and encourage each other, and shew the whole world, that a Freeman contending for Liberty on his own ground is superior to any slavish mercenary on earth.*

The "Colonial Army" was immediately disbanded after the war. In 1782, Benjamin Franklin published *Information to Those Who Would Remove to America*. In this he wrote:

> *These Ideas prevailing more or less in all the United States, it cannot be worth any Man's while, who has a means of Living at home, to expatriate himself, in hopes of obtaining a profitable civil Office in America; and, as to military Offices, they are at an End with the War, the Armies being disbanded. Much less is it adviseable for a Person to go thither, who has no other Quality to recommend him but his*

> *Birth. In Europe it has indeed its Value; but it is a Commodity that cannot be carried to a worse Market than that of America, where people do not inquire concerning a Stranger, What is he? but, What can he do? If he has any useful Art, he is welcome; and if he exercises it, and behaves well, he will be respected by all that know him; but a mere Man of Quality, who, on that Account, wants to live upon the Public, by some Office or Salary, will be despis'd and disregarded.*

Until 2008 anyway.

The War of 1812 up to, and including, the Civil War was fought by militias.

Now there was a core of officers who studied tactics and wars at West Point. The idea was to have a core of knowledgeable officers to take command of the militias in the event of a war until others could be called up and trained as regular army.



The concept of a standing army, repugnant to the likes of George Washington—the army that we have today—came about after the Civil War when the Representatives and the Senators of the North wanted to punish the South. That led to the *Posse Comitatus Act* of 1878. I will not delve into that act in this article. Nor will I dwell on whether that standing army was, or is, a good or bad idea. I suggest that you open your eyes to see how they have been misused to make up your own mind. The point is that until the Civil War, we had no standing army.

Keep in mind, also, that I am referring to the Constitutional militia. The Constitutional militia is to defend the borders of the State and assist other States as necessary and able. It is also to ensure that the national and State government obey and protect the Constitutional form of government and the Bill of Rights and ALL natural rights of the citizens. Yes, the

government employees are supposed to be scared to violate their oath of office. Any group that advocates killing police officer or suppressing the rights of LEGAL fellow citizens are not a militia. The Klu Klux Klan, La Raza and the Black Panthers are NOT examples of militias.

THE LAWS



Article I, Section 8, Clause 11 – 16 give Congress the authority to:

- To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;
- To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
- To provide and maintain a Navy;
- To make Rules for the Government and Regulation of the land and naval Forces;
- To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;
- To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

These are their "War powers." Some take Clause 12 to mean that the government could not maintain an army for more than two-years. That clause, however, only means that appropriations for the military must be made every two-years. This is where we get the National Defense Authorization Act, or NDAA.

What is important are Clauses 15 and 16. Clause 15 specifies what the militia is for. (1) To execute the Laws of the Union (the Constitutional laws), (2) to suppress insurrections and

(3) to repel invasions. None of these actions are related to anything in a foreign country. They are SPECIFICALLY related to here in the good old U.S. of A. This will be important later.

Clause 16 of Article 8 requires Congress to organize, arm and discipline the militia. Discipline, in this case, means to train people to obey a certain set of rules and punish them only as necessary to accomplish that goal. As you can clearly see they are supposed to ARM the militia, not disarm it. I will show presently that means that all weapons in the arsenal of the standing army are supposed to be made available to the militia, in accordance with the Second Amendment.

You might note that Clause 13 establishes absolutely no restrictions on the Navy and, by extension, the Marines. That is because they are supposed to be used over there. Not here. The Navy was a means of protecting our shipping lanes from pirates and other marauders. Interestingly the Title of the United States Code was repealed when they merged with other military units to become the new world order police.

Article I, Section 10 Clause 3

- No State shall, without the Consent of Congress, … keep Troops, or Ships of War in time of Peace, … or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article IV, Section. 4.

- The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence.

I refer to the above provisions of the Constitution for a couple of reasons. Here’s a hint. It does tie in with the

Tenth Amendment which ties in with the Ninth. If you cannot figure it out, I will connect the dots.

Notice the use of the term “Troops” instead of militia. That is because they are referring to a *standing army*; not the militia which are the citizens of the State. The national government has graciously granted the States permission to have a standing army when they stole the militias and formed a branch of the United States Army called the National Guard.

Notice that the Article IV, Section. 4. of the Constitution requires the United States to protect every State in this Union from invasion. The national government will not tell us how many Muslim terrorists, M-13 and other gang members and members of the drug cartel they armed have entered the United States through the porous southern border. I suppose they have not had time to tally up the number of lollipops that they gave out.

You might also note that Article IV requires the government to guarantee each State a “Republican” form of government. That has nothing to do with the Republican party of today. It does make Statewide initiatives and referendums unconstitutional, however. But not recalls. They may be Constitutional on the County and City level.

Article I, Section 10, however, clearly gives the States the right to go to war if the national government does not do its job to repel invasion. No one can question we have been invaded by threatening, armed force in Arizona time-and-again. Since the “government,” as you call them, is not doing the job, We the People can. That is because the militia, the people of the State, is necessary to the security of a FREE State.

CONSTITUTION OF THE GREAT STATE OF ARIZONA

The laws that I now cite concern the militia on the national level on down to the Great State of Arizona. I may go into a

few other States if I can find their appropriate statutes.

ARTICLE 2

Section 26. Bearing arms
Section 26. The right of the individual citizen to bear arms in defense of himself or the state shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men.

ARTICLE 16 MILITIA

Section 1. The militia of the state of Arizona shall consist of all capable citizens of the state between the ages of eighteen and forty-five years, and of those between said ages who shall have declared their intention to become citizens of the United States, residing therein, subject to such exemptions as now exist, or as may hereafter be created, by the laws of the United States or of this state.

Section 2. The organized militia shall be designated “The National Guard of Arizona,” and shall consist of such organized military bodies as now exist under the laws of the territory of Arizona or as may hereafter be authorized by law.

Section 3. The organization, equipment, and discipline of the national guard shall conform as nearly as shall be practicable to the regulations for the government of the armies of the United States.

According to Arizona, the “militia” of the the state of Arizona shall consist of all capable citizens of the state from 18 to 45 including those who have declared their intention to become citizens of the United States. That includes you, ladies. Section 2 declares that The National Guard is the “organized” militia.

The term National Guard was coming into vogue about the time

that the Constitution of the State of Arizona was being written. The original "Dick Act" was written in 1903, sometimes called *The Efficiency in Militia Act of 1903*. I mistakenly reported once that Elihu Root wrote the bill, but he revised it organizing the militia into two groups. I will not go into detail, but the revision did not allow militia (still called militia at the time) to be used overseas. That did not occur until 1916. The second that provision went into effect, they exceeded the duties of the militia outlined in the Constitution and they were no longer militia.

Some say that the National Guard are the militia when not federalized, but are not the militia when federalized. By federalized I mean called into service of the national government. I cannot directly find a quote from the founders on this, but I am sure that the founders would be saying *Huh?*. The Constitution allows them to be, so-called, federalized, but ONLY for the purposes specified in the Constitution. None of which are overseas concerns to us.

Section 3 might be okay for the national guard since they are nothing more than a branch of the United States standing army. The founders, however, were against military laws (they called them marshal laws), such as the Uniformed Code of Military Justice, unless in actual war for the militia. There has to be some law, of course, such as training requirements, who can give training, when you MUST train, calling the militia to active duty and so-forth. Civil penalties were okay and regulated by each State.

Ah, ha! say you. *You added Section 26 of the Constitution of Arizona which clearly states, 'but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain, or employ an armed body of men.* That is correct. The Black Panthers are unconstitutional according to the Arizona State Constitution and illegal according to Title 26. But they are NOT militia. Those are insurrectionists and are to be put down by the militia.

Once again, the militia are the legal citizens of the State—in this case Arizona—and those who have actually applied for legal status from ages 18 to 45. No law against volunteers outside of that age range. The sole duty of the militia is to ensure the peace of their neighborhoods and towns and to ensure NO ONE infringes on the natural rights of they, their families or their neighbors.

For more information, read Federalist Paper No. 29 in particular. You might need to read No. 24 to No. 28 to get the whole picture. This is the paper I told you about that states that we should be armed and trained equal to the standing army.

The Arizona Revised Statute

The A.R.S. has a slurry of convoluted laws in Title 26 concerning the militia and the National Guard. The basic idea, however, is that the governor can call up the "unorganized militia" at any time and place them under the command of the command of the National Guard.

You can find Title 26 here.

ISN'T THE MILITIA GOING TO TAKE OVER THE GOVERNMENT?

I should certainly hope not. I would fight against any entity that tries to usurp the Constitution and take over the government. That is simply because I know what the government is.

I am the government.

You must understand what the government is. For example what you call the "Federal Government" is NOT the federal government. The federal government consists of employees selected through fraudulent elections to represent our needs and protect our rights. The federal government consists of the national government centered in Washington D.C., the State

legislatures, the county governments and the city governments. Ultimately the federal government is the people; you and me.

For a good lesson in *Federalism* one might turn to Bond v. United States (PDF). Start on Page 11 of the PDF file where the II is. No, that is not the page number. That is the Roman numeral 2. You will have to delve into other resources to fully understand, but that is a good start.

You might also be interested in reading about the Tenth Amendment.

ISN'T THE NATIONAL GUARD THE MILITIA?

No. Not by definition. Particularly not by Constitutional definition. The duties of the militia are clearly outlined in the Constitution of the United States of America. Remember in previous discussion we discussed the purpose of the militia. All of their duties are confined to actions within the borders of the United States. If any law or regulation allows them to be used outside of those confines, they become a division of the standing army.

This came to a head in 1990 in the Supreme Court case of Perpich v. Dod in which the Supreme Court wrote that National Guard members take an oath to the State and the national governments. This, of course, causes an immediate skism.

They do note that Congress has allowed States to maintain their own troops. Title 32 United States Code Section 109 is that provision. Arizona tried to develop a State defense force a few years ago with H.R. 1083. It was killed in committee by Andy Biggs and the behest of Jan Brewer because it probably would have passed.

The bill, admittedly, was so flawed that it should have been re-written for the next session. The biggest flaw was that they were trying to make a branch of the National Guard; not a State defense force. It should have rated its own Chapter in

Title 26.

SUMMARY

Let me start off by saying that nothing in this article is meant to disparage the National Guard nor the military. I was a member of the Navy and served temporary time in the standing army. National Guard units refused to assist the police in disarming citizens in New Orleans after Katrina; a completely unconstitutional act. That is EXACTLY what the militia is for. To maintain peace and stability in an emergency situation.

I could go into a lot more detail and reason on this subject, but if you made it this far there are a few possibilities.

(1) You have no idea about the subject and found this article through a search engine. If so, I urge you to read all views on the matter and think for yourself. Do not use MSN, CNN, the Southern Enriched-by-Taxpyer-Dollar Law Center or the like. If you do, just remember they are of the opposite opinion of me. Seek out legal articles by scholars. I do.

(2) You are a legal scholar or law student. Even better. Prove me wrong. Take your best shot (metaphorically speaking, please). The Constitution is rather clear on the subject. Start there. You have better access to the law books and can see how the laws developed. Just ask yourself if the laws actually match the intent of the Constitution.

(3) You are Gene Simmons and you were really, really bored.

The militia is already spelled out in the Arizona Constitution and the Arizona Revised Statute. It already exists and you are probably a part. It is probably the same in most common sense States.

But I live in California and the National Guard is the militia in my State. So there. Well, my friend, if you live in Kawliforna, you are misguided, more than likely, by the

Supremacy Clause notion. What that means to you is that the Constitution of the United States of America and the laws take precedence. Therefore under Title 10, Chapter 13, Section 311 you are in the militia if you are from age 17 to 45. So there.

If you were prior military, the Title reads:

…except as provided in section 313 of title 32, under 45 years of age…

Title 32 U.S.C., Section 313 provides:

…or under 64 years of age and a former member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps.

So the question remains, does one need government permission to form a militia. No. The militia is already formed and YOU are the government. The government employees are required by the Constitution of the United States of America to ensure that you are armed and trained equal to the standing army (Refer to Federalist Paper No. 29).

Let us examine a few instances. In 1946, corrupt politicians tried to usurp the election process in Athens, Tennessee. Veterans, returning home from the war, were trying to get elected to root out the corruption. When the politicians tried to steal the election, the veterans formed into a militia to ensure fair results. The event was dramatized in the 1992 television movie ***An American Story***.

In recent times Ferguson, Missouri and Baltimore, Maryland are big in the news. In Baltimore the "civil government" told police to stand down because they were only destroying property. What they did not show is African-Americans and other races standing together to protect property and somewhat confine the rioting. For example a group of armed African-American men stood together to protect the store they worked at and provided their livelihood. Guess what. They are

militia. Yes, the militia—the citizens—can even defy their so-called government and the law to protect their rights, their property and the rights and property of others.

That does NOT mean arm everyone in the State. Obviously there are those who should not have arms and they are excluded by the Arizona Revised Statue. There are exemptions for certain elected officials. And there are criminals.

Even of those that CAN be armed, it does not follow that they HAVE to be armed. There are roles for clerks, hospital staff, cooks and so-on. They can choose to, and should have, firearms training, but it does not mean they necessarily have to lug it around.

The militia is not just there for war. They are also there to fight forest fires. Provide medical relief and comfort during an emergency.

And, yes, the States can and should train them to defend their entire border from drug traffickers and illegals.