Militia Reading

The following published works discuss matters related to the constitutional militia and the constitutional militia movement:

- Robert H. Churchill, Department of Humanities, University of Hartford:
  - "Arming for the Last Battle: Secular and Religious Millennial Impulses within the Militia Movement", 1999 Annual Conference of the Center for Millennial Studies, Boston University, Boston, MA, November 9, 1999. [Online copy]
    - Reviewing Right-Wing Populism in America: Too Close for Comfort, Robert H. Churchill of the University of Hartford criticized Berlet and other authors writing about the right wing as lacking breadth and depth in their analyses, failing to make contact with significant figures in the movement and conduct significant research on the Internet, and for providing analyses of far right movements that proscribe as "racist" a broad range of conservative political ideologies that are "driven more by the association of the author with various civil rights organizations and leftist political activists outlined in the acknowledgments than by the primary evidence presented in the footnotes.
  - Also see his upcoming book.


- James Biser Whisker, retired professor of political science, West Virginia University:
  - James B. Whisker, The Citizen-Soldier Under Federal and State Law, 94 W. Va. L. Rev. 947, 954-56 (1992). Describes the militia system that existed in the colonies prior to and during the revolution. At 952-54: As early as the seventh century, England had developed a
militia system, requiring even the lowest class of freemen to maintain arms and be subject to a call for military duty. Id. Henry II enacted the first formal declaration of this principle with the "Assize of Arms" of 1181. The "Assize of Arms" required that every freeman provide his own arms, train periodically, and defend his country when called upon. Id. This system had in turn developed from the Roman use of citizen-soldiers during the period of the early Republic. At 954-55: If a militiaman could not afford an appropriate weapon for service, some colonies provided a credit system such that the government would furnish a weapon with a forgiving debt repayment plan, n.32. Online copy

- Joyce Lee Malcolm, The Right of the People to Keep and Bear Arms: The Common Law Tradition, *Hastings Constitutional Law Quarterly*, Vol. 10:285-314. (1983) "The militia and the posse were summoned only occasionally, but English subjects were frequently involved in everyday police work. The old common law custom persisted that when a crime occurred citizens were to raise a "hue and cry" to alert their neighbors, and were expected to pursue the criminals 'from town to town, and from county to county.'", citing R. Burn, 2 The Justice of the Peace and Parish Officer 16-20 (London 1755); F. Maitland, The Constitutional History of England 276-77 (1968) (1st ed. Cambridge 1908). Online copy
- Brian C. Brook, Federalizing the First Responders to Acts of Terrorism via the Militia Clauses, 54 Duke L. J. 999 (2005) Online copy
- Akhil Reed Amar, Second Thoughts: What the right to bear arms really means, *The New Republic*, July 12, 1999 issue. "Like the militia, the jury was a local body countering imperial power--summoned by the government but standing outside it, representing the people, collectively. Like jury service, militia participation was both a right and a duty of qualified voters who were regularly summoned to discharge their public obligations. Like the jury, the militia was composed of amateurs arrayed against, and designed to check, permanent and professional government officials (judges and prosecutors, in the case of the jury; a standing army in the case of the militia). Like the jury, the militia embodied collective political action rather than private pursuits."
- U.S. Department of Justice, *Statement on the Second Amendment to the United States Constitution*, August 24, 2004. "the Militia Clauses, along with the structure of the Bill of Rights and the preface of the Second Amendment, all support the personal, individual right to keep and bear arms that the Amendment's operative text sets out."
- William H. Riker, *Soldiers of the States* (1979) Describes how Congress created the National Guard to replace the previous state militia systems. The basic equipment the colonies expected militiamen to provide depended upon their service: infantrymen brought muskets with powder and shot, while cavalrmen brought their own horses and sabers, at 12.
- Keith A. Ehrman & Dennis A. Henigan, *The Second Amendment in the Twentieth Century: Have You Seen Your Militia Lately?*, 15 *U. Dayton L. Rev.* 5, 8 (1989). At 15 describes the colonial view that standing armies were acceptable only under extraordinary circumstances.
- Saul Cornell, *A Well-Regulated Militia: The Founding Fathers and the Origins of Gun Control in America*, Oxford University Press, USA (June 14, 2006) [ISBN 0195147863](http://www.amazon.com/dp/0195147863). Argues that the Founders understood the right to bear arms as neither an individual nor a collective right, but as a civic right--an obligation citizens owed to the state to arm themselves so that they could participate in a well regulated militia.
- Gary Hart, *Minuteman: Restoring an Army of the People*, Diane Pub Co (January 1, 1998) [ISBN 075676811X](http://www.amazon.com/dp/075676811X). Without mentioning the movement, the former senator and presidential candidate, 12 years on the Senate Armed Services Committee, proposed a return to something like the traditional militia system, replacing the Cold War military with a smaller standing army and a much larger, well-trained citizen reserve -- an "army of the people."
sources on the threat of nuclear terrorism, and how existing defense measures are inadequate to prevent it.

- **First to Arrive: State and Local Responses to Terrorism** (BCSIA Studies in International Security), by Juliette N. Kayyem (Editor), Robyn L. Pangi (Editor). The MIT Press (September 28, 2003) ISBN 0262611953. Focus on local response to terrorist attack, including by trained "volunteers", without using the word "militia".
- Mary Ellen Rowe, *Bulwark of the Republic: The American Militia in Antebellum West*, Praeger Publishers (September 30, 2003) ISBN 0313324107. Argues that the antebellum militia should be seen as a social and political institution, rather than a military one, and contends that it is a key to understanding the political and social values of early 19th century America.
- Roger Roots, Are Cops Constitutional?, *Seton Hall Constitutional L.J.* 2001, 685. Online copy
- Richard Henry Lee and/or Melancton Smith, Letters from the Federal Farmer to the Republican, Letter 3, Oct. 10, 1787, Letter 18, Jan. 25, 1788
- James Madison, Debates in the Federal Convention, from Jonathan Elliot, *Debates*, August 19, 1788
- Virginia Ratifying Convention, from Jonathan Elliot, *Debates*, 1836. June 16, 1788
- U.S. Department of Justice, Statement on the Second Amendment to the United States Constitution, August 24, 2004. "the Militia Clauses, along with the structure of the Bill of Rights and the preface of the Second Amendment, all support the personal, individual right to keep and bear arms that the Amendment's operative text sets out."
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"Republic, July 12, 1999 issue. "Like the militia, the jury was a local body countering imperial power--summoned by the government but standing outside it, representing the people, collectively. Like jury service, militia participation was both a right and a duty of qualified voters who were regularly summoned to discharge their public obligations. Like the jury, the militia was composed of amateurs arrayed against, and designed to check, permanent and professional government officials (judges and prosecutors, in the case of the jury; a standing army in the case of the militia). Like the jury, the militia embodied collective political action rather than private pursuits."

- Andrew Fletcher, A Discourse of Government with Relation to Militias, (1698). Online copy
- Project Megiddo FBI report.
- Militias: Initiating Contact, by James E. Duffy and Alan C. Brantley, M.A.