

## STATUTORY AUTHORITY FOR THE MILITIA:

### UNITED STATES CONSTITUTION: AMENDMENT II

“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.

### INDIANA CONSTITUTION: ARTICLE 1, SECTION 32:

“The people shall have a right to bear arms, for the defense of themselves and the State.”

### UNITED STATES CODE

#### Title 10, Subtitle A, Pt I, Chap. 13

#### Section 311: *Militia: composition and classes*

(a) The militia of the United States consists of all able-bodied males at least 17 years of age and, except as provided in section 313 of title 32, 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.

### INDIANA CODE (Ca. 2001)

#### IC 10-2-3-1 Sec. 1

Pursuant to Article 12, Section 1 of the Constitution of Indiana: **The militia shall consist of all able-bodied persons** between the ages of eighteen (18) and forty-five (45) years, except as may be exempted by the laws of the United States, or of this state, and said militia shall be divided into two (2) classes.

The militia shall be divided into two classes: First, Sedentary; Second, National Guard.

Sedentary Militia. **The Sedentary militia shall consist of all persons subject to bear arms under the constitution of the State of Indiana who do not belong to the active militia (National Guard).**

National Guard. The active militia shall consist of such able bodied citizens between the proper ages as established by IC 10-2 that may be enrolled, organized and mustered into the service of the state as herein provided. The organized militia of the state shall constitute and be known as the National Guard of Indiana.

## Our Nation’s Founders Speak Out on the Militia:

### Alexander Hamilton

In Federalist Paper # 29 Hamilton, in reference to “the proper establishment of the Militia,” informed of who the militia consists of, what type of arms the Militia should possess, and the primary purpose of the Militia:

“...but if circumstances should at any time oblige the government to form an army of any magnitude that army can never be formidable to the liberties of the people while there is a large body of citizens, little if at all inferior to them in discipline and the use of arms, who stand ready to defend their own rights and those of their fellow citizens.”

### George Mason

“I ask you sir, **what is the militia? It is the whole people**, except for a few public officials.”

“...To disarm the people is the best and most effectual way to enslave them.”

### Thomas Jefferson

“**The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government.**”

### Tench Coxe

“The powers of the sword, say the minority of Pennsylvania, is in the hands of Congress. My friends and countrymen, it is not so, for **the powers of the sword are in the hands of the yeomanry of America from sixteen to sixty**. The militia of these free commonwealths, entitled and accustomed to their arms, when compared with any possible army, must be tremendous and irresistible. **Who are the militia? Are they not ourselves?** It is feared then, that we shall turn our arms each man against his own bosom? **Congress has no right to disarm the militia**. Their swords and every other terrible implement of the soldier are the birthright of an American... **The unlimited power of the sword is not in the hands of either the federal or the state governments, but where I trust in God it will ever remain, in the hands of the people.**”

# INDIANA MILITIA CORPS

## **John Adams**

"Arms in the hands of the citizens may be used at individual discretion for the defense of the country, the overthrow of tyranny, or private self-defense."

## **Noah Webster**

"Before a standing army can rule, the people must be disarmed as they are in almost every kingdom in Europe. The supreme power in America cannot enforce just laws by the sword because the whole body of the people are armed, and constitute a force superior to any band of regular troops that can be, on any pretense, raised in the United States."

## **Richard Henry Lee**

***"To preserve liberty, it is essential that the whole people always possess arms, and be taught alike, especially when young, how to use them."***

## **John Penn**

The Second Amendment only reiterates our *inalienable Right* to self-defense by keeping and bearing arms. This would include defending yourself against all who would do you bodily harm, including a tyrannical government or any of the government agencies.



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## WHAT IS THE MILITIA?