

*If you support Liberty and the 2nd Amendment  
You need to Read this -  
Because - In the supposed most Free State of Tennessee -  
It is Illegal to exercise  
Your 2nd Amendment protected Rights*

- 1 - Background**
- 2 - Legal Situation**
- 3 - Militia Proposal**

## **1 - Militia Background**

The Militia exists as a foundational element of the American Republic, having been the natural form of the people's defense since the earliest settlements within what is now the United States.

As the colonies grew, the individual Militias ultimately became organized into each colony's Colonial Militia and fought as such during the Revolutionary War.

The early Americans so feared central government armies, and a usurpation of the peoples ability to protect themselves, that a shield against any infringement of the people's right to military arms was demanded in the Bill of Rights as a requisite to the Constitution's unanimous adoption by the thirteen colonies.

Armed forces are distinguished by how they are composed; there are insurgent groups / resistance groups, militias - both unorganized and organized, and regular armed forces - controlled by central government authority. The condition of a militia's potential effectiveness is determined by how it is Regulated - their organization, their arming and their training.

The Second Amendment reflects this in the type of Militia that was intended to exist within the context of the new stronger central government - "*A well regulated Militia.*"

The Second Amendment protects the viability of the militia - by demanding that the whole people be allowed unfettered access to adequate weapons so that a *Well Regulated* - ergo a *well organized, a well armed and a well trained* body of citizens exists - to prevent the need for a standing army capable of overpowering the citizenry, and to rise to the occasion to protect the citizenry from a government turned tyrannical.

Today almost every city, every country every state and the many branches of the central government have professional armed agencies that have usurped the people's authority to defend themselves - and in the name of crime prevention, jurisdictions have made it

illegal for groups of local citizens to organize, depriving them the power to protect their lives, property - and ultimately, if required, their liberty.

The individual American has been replaced by professionals, who are not always able to respond to emergencies in a timely manner.

In a worst case scenario, with the current lack of organized, armed and trained citizen groups, Americans will be ill-prepared to defend their liberty.

## **2 - Inhibiting Legislation in Tennessee**

### **The legal situation that needs to be changed.**

Although unarmed community groups, such as "neighborhood watch", have the ability to organize under First Amendment freedom of association protected rights, organized individuals carrying loaded long guns come into direct conflict with existing Tennessee statutes.

Individuals organized to assist with community policing, have the same authority granted to every individual under current law, and individuals even have some authority to seek arrest warrants under Tenn. Code Ann. § 40-6-205 and to make arrests under Tenn. Code Ann. § 40-7-101(3) and §§ 40-7-109 – 40-7-112 [1]. But, any use of force by a private person, including the use of deadly force, must be made in accordance with the law of self-defense and the defense of others under Tenn. Code Ann. §§ 39-11-611 – 39-11-615 [2] and 39-11-621 [3].

A group of private persons detaining someone, or using force against someone can be exposed to criminal or civil liability if it is decided that there is no appropriate legal basis for the detention or use of force, or because of the manner in which either is applied.

*Under Tenn. Code Ann. § 39-17-314 [4] it is a Class D felony for a person to "assemble with one (1) or more persons for the purpose of training or instructing in the use of, or practicing with, any technique or means capable of causing property damage, bodily injury or death with the intent to employ such training, instruction or practice in the commission of a civil disorder."*

*A "civil disorder" is defined as "any public disturbance involving acts of violence by an assemblage of two (2) or more persons which acts cause an immediate danger of or result in damage or injury to the property or person of any other individual..."*

***It does not matter who "starts" the civil disorder, involvement is enough.***

Under existing law, an armed citizen acting alongside other armed citizens, who attempts to protect his or her self effectively loses their individual right of self defense.

Additionally, they might be accused of vigilantism, regardless of the existing threat to their persons or property.

## Joel's Primarily Goal

The existing law that allows you to be arrested and prosecuted if you belong to an armed organization needs to be changed, so that you can exercise your presumed rights without fear of legal reprisal.

### *Tennessee Constitution Section 26*

*"That the citizens of this state have a right to keep and to bear arms for their common defense; but the Legislature shall have power, by law, to regulate the wearing of arms with a view to prevent crime."*

*Using a Progressive "Interest Balancing Doctrine" - in the name of Crime Prevention, it is statutorily illegal to arm ourselves and organize with our neighbors.*

Acknowledgment is given to Rusty Crowe, Tennessee Senate 3rd District, for his help in researching existing legislation.

## 3

# LEGISLATIVE PROPOSAL FOR LOCAL MILITIA ORGANIZATIONS

*Resolved, that a well regulated Militia composed of Tennessee Citizens, organized in their local communities, is the people's natural strength and security in a free government.*

*Therefore any legislative barriers or statutorily imposed liabilities, which deter citizens coming together to freely associate in order to organize, arm and train in Local Militia Organizations for the purpose of their Common Defense, is dangerous to the liberties of the people.*

*The establishment of Local Militia Organizations is at this time of danger and distress peculiarly necessary. This need is evidenced by continuing national violence and the general state of our laws being ignored; and by the known remissness of government to call out police, sheriffs and or National Guard on a timely basis. The demonstrated inability of these organizations to respond expediently to rioting and*

*mayhem, renders insecure a reliance on their assistance in preventing harm to life and property.*

*Adding to the problematic state of our security, is the threat to Americans' basic liberties posed by the course of the Central Government. The Administration in Washington DC has demonstrated a blatant unwillingness to uphold Federal laws which protect the American Republic and its citizens, while concomitantly demonstrating a willingness to assume powers well beyond the scope of powers granted to the Central Government by the U.S. Constitution.*

*The demonstrated selective enforcement of Federal law and the dangerous usurpation of power have been accompanied by an unprecedented disdain for a large segment of American Citizens who oppose Unconstitutional Executive Decrees. The administration's hostility to those who disagree with the punitive, and coercive nature of its mandates, and the Administration's stated hostility to our inalienable pre-governmental rights Constitutionally shielded from government encroachment by the First, Second, Fourth and Tenth Amendments of the Bill of Rights, has resulted in a general disintegration of the Federal Government's good faith relationship with much of the citizenry.*

*If the actions of the General Government administration, which present a developing threat to American Liberty, are not deterred, it may come to pass that Individual Americans will need recourse to put themselves in a state of readiness for self defense against intolerable government tyranny.*

*Therefore, any provision in the Tennessee Code that interferes with the citizens' natural right as Americans and Tennesseans to secure their liberties and defend their fellow citizens in such manner as required, shall be removed from the record and replaced with clear and unambiguous legislation guaranteeing each Tennessee Citizen's right to freely participate,*

*without encumbrances, in a Local Militia Organization; and if required by some particular situation, pursuant to the Tennessee Constitutions, to act in unison with their fellow Citizens for the Common Defense.*