Presidents' vast authority to impose martial law:

In *Ex parte Field*, an obscure and almost completely overlooked 1862 decision by the U.S. Circuit Court for the District of Vermont, U.S. District Judge David A. Smalley analyzed President Lincoln's authority to suspend the writ as being necessarily incident to his authority to impose martial law:

"[T]he president has the power, in the present military exigencies of the country, to proclaim martial law, and, as a necessary consequence thereof, the suspension of the writ of habeas corpus in the case of military arrests. It must be evident to all, that martial law and the privilege of that writ are wholly incompatible with each other."

According to Judge Smalley, so long as the President had authority to impose martial law, he had authority to suspend the privilege of the writ wherever martial law was in force. Moreover, Smalley traced Lincoln's authority to impose martial law not to Article II or to any theory of *extra*constitutional presidential power; rather, Smalley found such authority in a series of early *statutes* providing for the calling forth of the militia and the federal armed forces to suppress insurrection.

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After summarizing the Supreme Court's rather terse and undeveloped jurisprudence concerning martial law, Part IV concludes that, even by 1861, the Court had established the authority of the President to impose martial law pursuant to the Calling Forth Act of 1795 and the Insurrection Act of 1807 (and their progeny). {28-29-30} Although President Lincoln, acting in pursuance of such authority, validly proclaimed martial law in 1862, Part IV suggests that he also *effectively* imposed martial law in and around Baltimore in early 1861.

> **28. Act of Feb. 28, 1795, ch. 36, 1 Stat. 424.**
> **29. Act of Mar. 3, 1807, ch. 39, 2 Stat. 443.**
> **30. Also of significance is the Suppression of the Rebellion Act of 1861, ch. 25, 12 Stat. 281. Together, these "Militia Acts" are codified as amended at 10 U.S.C.A. §§ 331-335 (West 1998 & Supp. 2007).**

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This excerpt below shows they knew how to avoid deciding anything....by just releasing **the complainant.**

(p.409/18 of 50)....the case of John Dugan, in which the Supreme Court for the District of Columbia, in January 1865, sustained the President's inherent constitutional power to suspend the writ of habeas corpus (holding the 1863 Habeas Corpus Act unconstitutional in the process). The Supreme Court granted review of the lower court's decision, but Dugan's subsequent release mooted the question.

More results of Field:

(p.413/23 of 50) As should be clear, *Ex parte Field* is a remarkably interesting case. In one exhaustive and authoritative decision, Smalley held that **Secretary of War Stanton's August 8 orders were patently unconstitutional**; that, at least until martial law was proclaimed, the War Department had no authority to give orders to court officers, especially where such orders were to ignore court orders; that the **U.S. Marshal was in contempt of court for disobeying a writ of habeas corpus**; that President Lincoln's September 24 Proclamation was lawfully promulgated

pursuant to an Act of Congress; and that, because **President Lincoln had lawfully imposed martial law, the Proclamation's concomitant suspension of habeas corpus was constitutional**.

In short, *Field* held that, because **President Lincoln had authority to impose martial law by virtue of the 1795 Act,** he also had authority to suspend habeas corpus. **It was not that such authority was inherent in Article II**, but that it was necessarily part of the **crisis power that Congress, acting pursuant to its own constitutional authority, had delegated to the executive.**

(**Note, my opinion**: This decision by Smalley would lend a reason for the firing of Stanton by Johnson in1865, three years after this decision. So, in my view, the reason given by the Senate to impeach Johnson over his firing of Stanton would not be reasonable, and therefore Johnson's impeachment was, in fact, over the veto of the bills they needed for Martial Law Proper to remain in effect.)

Review source of above: http://prawfsblawg.blogs.com/files/temple----field-theory.pdf

More proof that we are presently under Martial Law which avoids Constitution and destroys 9th and 10th Amendments

How many more of these types of actions will it take for people to get a clue that we are under Martial Law..???

This is a fluid and still developing situation that warrants close attention of the fact that in the near future there will be open Martial Law under a force of arms **with guns pointed at you.**

Here is more proof of the existence of Martial Law Proper, where congress and the president control the states. If Martial Law Proper were not in place Bush could not have implemented the Patriot Act at all.

In the context of the war powers issue and the long debate of the past decade over national commitments, 10 U.S.C. 712 is of importance:

> **10 U.S.C. 712. Foreign governments: detail to assist.**
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> (a) Upon the application of the country concerned, **the President, whenever he considers it in the public interest**, may detail members of the Army, Navy, Air Force, and Marine Corps to assist in military matters -
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> (1) any republic in North America, Central America, or South America; **Note: All of the several state of the union are Republics**
>
> (2) the Republic of Cuba, Haiti, or Santo Domingo and
>
> (3) during a war or a **declared national emergency**, any other country that he considers it advisable to assist in the interest of national defense.
>
> (b) Subject to the prior approval of the Secretary of the military department concerned, a member detailed under this section may accept any office from the country to which he is detailed. He is entitled to credit for all service while so detailed, as if serving with the armed forces of the United States. Arrangements may be made by the President, with countries to which such members are detailed to perform functions under this section, for reimbursement to the United States or other sharing of the cost of performing such functions.

Review Senate Report 93-549. They did the study and found that America has been under War Powers since the Civil War, and possibly before then.

From the report:

> **"A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years, freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought into force by states of national emergency.**
>
> **The problem of how a constitutional democracy reacts to great crises, however, far antedates the Great Depression. As a philosophical issue, its origins reach back to the Greek city-states and the Roman Republic. And, in the United States, actions taken by the Government in times of great crises have-from, at least, the Civil War-in important ways, shaped the present phenomenon of a permanent state of national emergency."** To review complete report CLICK **Senate Report 93-549**

More proof of Martial Law Proper controlled by Congress:

In 1938, Art.III, sec 2, cl-2 of the US Constitution was changed without an amendment. Only a condition of Martial Law Proper would allow that, or it would be ruled unconstitutional, and overturned by now. Even some states have been allowed to do the same. This placed more power in a 'military tribunal' of nine selected by the Commander of the Armed Forces....and takes it from the 'so called' representatives of the people, and their Legislative Fiat.

Art.III, sec 2, cl-2:

"In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and **under such Regulations as the Congress shall make.**"

From the Handbook of Common Law Pleading:

"Finally, in 1938, came the long awaited New Federal Rules of Civil Procedure, which sought to and did place the regulation of pleading and practice in the Federal Courts and in the District of Columbia in the hands of the Supreme Court of the United States, **as opposed to congress**. Some states, in whole or partially have emulated the Federal Courts in regulating procedure by rule of court as opposed to Legislative Fiat."

And, of course, the **Military Flag**, with its proper **military dimensions and gold fringe** with the eagle at the top of the staff, **flies in all courtrooms**.

If you read pages 246 thru 256 of the History of The Thirty-Ninth Congress, by Barnes, you will find that the Civil Rights Act of 1865 and the Freedmen's Bureau Bill sit up a **permanent standing army** in ALL the states....and they main a **permanent state of rebellion** within the regions and districts set up by the military. That was the establishment of the first regional government in the US....a forerunner to the ten regions now established under the UN. That is evidenced by the zip codes noted as 0-9.

The "War of The Ninth and Tenths Amendments" established new federal citizens and new federal regions and implemented Military Law in the rebellious states. Later the 39th Congress applied Martial Law Proper to ALL the states....over the objections of President Johnson.

A sweeping Republican victory in the 1866 Congressional elections in the North gave the Radical Republicans enough control of Congress that they over-rode Johnson's vetoes and began what is called **"Radical reconstruction"** in 1867.
http://en.wikipedia.org/wiki/Reconstruction_era_of_the_United_States

All courts fly the appropriate flag in their controlled property to prove it.