

5 Things to Do When Martial Law is Declared

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Year Ago, It Seemed Like a Prepper's Footnote. But What About Now?

Martial law is a solution of last resort. It occurs when local law enforcement authorities are overwhelmed by any occurrence or combination of disastrous events, whether natural or manmade.

It sounds like something that could only happen in a third-world country, but it has been declared in the United States twice on a national basis and on numerous occasions on a state and regional basis.

What is Martial Law?

Here's how Martial Law is defined:

"The ranking military officer in command of the force on the ground will become the head of civilian government for the duration."

The assumption is that local government and law enforcement are incapable of handling the crisis, so the military is called upon to assume that role. Martial law can be declared by the President or by an act of Congress on a federal or national level using federal troops, and by the Governor on a state level using the national guard of that state as the military force.

Posse Comitatus

There is one law that limits the President's ability to declare Martial Law called Posse Comitatus. In 1878, Congress passed the **Posse Comitatus Act**, which forbids U.S. military involvement in domestic law enforcement without congressional approval.

Habeas Corpus

A significant clause in the application of Martial Law is the suspension of habeas corpus. Habeas corpus is a right requiring a person under arrest to be brought before a judge or into a courtroom if they feel they've been unlawfully detained.

Under Martial Law, a U.S. citizen may be detained with no explanation for why, and no recourse through a typical court of law.

A Brief History

Martial Law occurs with some frequency around the world, but its occurrence on a national level is relatively rare in the U.S, although it has been declared on a local and state level **70 times** between 1847 and 1945.

The most extreme imposition of Martial Law occurred during the Civil War. At that time, **Abraham Lincoln enacted** the following:

- He suspended the writ of Habeas Corpus without the consent of congress.
- He shut down newspapers whose writers displayed any dissent to Union policy or spoke out against him.
- He raised troops without the consent of Congress.
- He closed courts by force.
- He imprisoned citizens, newspaper owners, and elected officials without cause and without a trial.

As an historical precedent, it has led to many of the current fears surrounding the concept of Martial Law.

What Could Motivate Martial Law in Today's Environment

Historically, Martial Law has been declared in the United States as a result of significant natural and manmade disasters, **widespread rioting**, or terrorism. To date, Martial Law has never been instituted as a result of a pandemic, but time will tell.

The fact of the matter is that societies around the world are quite fragile now due to the pandemic, economic stress, and constant potential for unexpected events.

For example, the result of an explosion in Beirut has been compared to detonation from a small nuclear device, although all evidence points to an explosion caused by the improper storage of a volatile fertilizer known as Ammonium Nitrate.

Regardless, the combination of current events in Beirut may quickly result in a declaration of martial law.

The 5 Rights You Surrender Under Martial Law

Under Martial Law, the Bill of Rights in the United States is essentially revoked for as long as the declaration is in place. Here are the basic rights that are no longer in place under Martial Law:

1st Amendment – Freedom of Speech, Assembly and the Press

The degree to which the 1st amendment is affected under Martial Law is proportionate to the threat. A significant natural disaster has less effect on the 1st amendment and in fact, open communication through the press is encouraged to communicate status and steps taken to help people manage and survive the disaster.

Civil unrest is another story, and it's not just about newspapers and broadcast news. The Internet, social media, blogs, and webpages may all find varying degrees of censorship and even suspension if it's felt that those platforms are being used to incite further unrest.

2nd Amendment – Right to Bear Arms

It's quite possible that the confiscation of **firearms** could take place under Martial Law, especially if civil unrest is the root cause of the declaration. There are reports of this occurring in the aftermath of Hurricane Katrina, although the **confiscation was overstated**. Reports indicate that weapons were confiscated from people attempting to board buses for evacuation while armed, and those weapons were confiscated for the safety of other people on the buses.

But there is a possibility that those measures could be implemented if the use of firearms becomes a widespread threat during periods of rioting or looting. There's nothing that can be done about it under Martial Law. If the military chooses to confiscate weapons, they will.

3rd Amendment – Freedom from Housing Soldiers

This right goes back to the revolutionary war when the British took possession of homes and farms to house and feed their soldiers. It's unlikely that the U.S. Military is going to come to your home and move in, although in a worst-case scenario they may decide to set up a tent city on your property to house soldiers or the homeless if you own a large tract of land.

Even then, they would probably use public parks, school gymnasiums, and large parking lots before setting up in your front yard. But under Martial Law, they could do just that if they needed to.

4th Amendment – Protection from Unreasonable Search and Seizure

This is another unlikely event under most circumstances under martial law. It wasn't widespread following 9/11, although anyone who was suspected of being involved in the attack on the Twin Towers was subject to exactly that. And that's the point.

If you, for any reason, are connected to any event that has led to Martial Law, there's a good chance you may be subject to search and seizure without a warrant. Even something as simple as a traceable Facebook post could put you in that category.

In actual fact, people have been arrested or investigated because of their social media activity related to crimes and civil unrest. Those instances usually occurred as a result of a lengthy investigation. Under Martial Law, things often happen much more quickly.

5th Amendment – Protection to Life, Liberty, and Property

At the beginning of the coronavirus pandemic, various people around the U.S. were engaged in the hoarding of face masks and reselling them for significant markups. Many of those people found their hoards (or property) confiscated. The general consensus is they got what they deserved. Under Martial Law, that can happen regardless of the circumstances.

This isn't about armed soldiers breaking down your front door and taking cans of soup out of your kitchen pantry. It's more likely to affect local businesses that have an inventory of goods deemed necessary for the emergency. There will probably be eventual efforts to compensate those businesses, but there's no guarantee in writing to that effect under the laws that define Martial Law.

Life and liberty will also be highly monitored and restricted. "Stop travel" bans will often be in place in addition to enforced curfews and roadblocks to prevent travel to or from "hot zones" with significant threat levels.

If you feel that's a violation of your rights, it is. That's the whole idea of Martial Law. In a dire emergency, the assumption is that any restriction of activity is for the greater good of the community, as interpreted by the local military authorities. Not by you.

However, Posse Comitatus also prohibits federal troops from carrying out domestic law enforcement actions such as searching and seizing property and dispersing crowds. National Guard units, as they operate under state-rule, are **exempt** from the Posse Comitatus Act.

Common Sense Preparation for Martial Law

1. Understand How Martial Law Might Affect You

There are a variety of factors that would affect the degree to which your life and liberty might be affected by Martial Law.

- **Are you a person of interest for any reason?**

If you are active in any group that might be associated with civil unrest or are known in your community as someone with a visible, public presence for any movements or activities associated with unrest, you may find that authorities

are very interested in talking to you and assessing your intentions. Where this could lead is hard to determine.

Common sense dictates that you should moderate any activities that would cause you to stand out as a person of interest, and if questioned, to remain as calm and reasonable as possible.

- **Are you essential to the functioning of your community?**

In the same way that some people may find themselves subject to questioning and investigation, people performing essential services during an emergency or disaster are often granted exemptions from newly imposed rules or regulations affecting travel, curfews, or even the right to bear arms.

This could apply to healthcare professionals, local fire and emergency services, law enforcement, public officials, and business owners and employees deemed essential, similar to what we've seen during the pandemic with pharmacies, grocers, and gas stations.

If you feel you perform an essential function, you should inquire about identification or other ways to identify yourself and what exemptions from regulations are allowed.

2. Audit Your Supplies and Preparations

This isn't about stocking up on **toilet paper**. When travel is restricted, you will need to **shelter** in place, and that could require a supply of **everyday items you'll need** while Martial Law is in place.

Fortunately, many people have some new experience with stocking up due to the effects of the coronavirus pandemic. We've all become fairly good, if not experts at **stockpiling food** and **medical supplies** to varying degrees, but the extreme events leading to Martial Law could result in some new if not unexpected challenges beyond food, water, and medicine.

- **Power/Batteries/Recharge Capability**

Power outages are always a possibility following natural disasters, but in extreme cases of civil unrest, terrorism, or **economic collapse**, **power outages** can occur just as frequently.

Think about any power needs you may have and assess your ability to **provide the basic power** you need to function in your home or apartment.

- **Communication Options**

It seems extreme, but there are instances in some countries where even fundamental communications like the Internet and cell phone service have either failed or been **intentionally halted**.

Think about who you need to communicate with, **how you can communicate**, and assess whether or not you can keep in touch when conventional communication fails for any reason.

3. Assess Your Situation

- **Location**

Cities will be the most severely restricted location due to population density and the increased likelihood of unrest, looting, arson, and violence due to the breakdown of local law enforcement due to the disaster.

Rural areas will be less affected due to smaller populations and the simple fact that even the military can't be everywhere all at once.

- **Neighborhood**

Even small towns can attract unwanted interest from the military if a neighborhood or area has a reputation or demands attention in terms of crime or violence.

- **Family Situation**

Do you have kids in college or living far from you? What about parents and grandparents? Is someone in a nursing home? These are the people you'll want to communicate with on a regular basis to assess their condition and safety.

Take the time to agree with critical family members about how and when you will stay in touch and what you can do if someone needs assistance.

- **Bug Out Options**

If you have an **established bug out location**, you'll definitely want to consider relocating, especially if you live in an area where Martial Law may be enforced with greater severity.

If you **don't have a bug out location**, you could inquire with family members and friends who live in a safer location and reside with them until the situation de-escalates.

Regardless of where you travel, you'll want to make the move sooner rather than later. As stop-travel restrictions and curfews are imposed, the ability to travel anywhere may be greatly limited or simply impossible.

4. Stay Informed

Situations resulting in Martial Law evolve and change with time. So do rules, regulations, and restrictions. Make sure you stay informed and communicate that information to immediate family and friends.

A **radio** is a good, reliable option, and you can always sit in your car in the garage if you're wondering where to find a radio. It's quite possible that basic services like the Internet will still function—and there's always the TV—but in a **power outage**, your car radio may be your best bet.

5. Be the Gray Man

In other words, keep a low profile. Stay Home. Don't break the law or any other rules and restrictions like curfews, travel, or joining large gatherings that have led to any kind of trouble in the past.

Moderate your social media usage. Martial Law is a bad time to get too public with hostile or antagonistic opinions. It's a good time to mind your own business, try to be polite, and just keep to yourself.

Don't brag about your preparedness. If you have enough food, medical **supplies**, and water to last a year, keep it to yourself. If it's common knowledge that you have food stockpiled floor to ceiling in your garage and basement, you're going to attract all sorts of **unwanted attention** you don't need.

If you own weapons, keep a lower profile. Don't go hunting. Walking around with a hunting rifle with nervous military men expecting trouble is a bad time to hunt.

If you own firearms for self-defense, don't stand in your front yard holding a rifle to show everyone you can **defend yourself**. Military training assumes the worst when confronted by anyone with a weapon.

Keep them locked up and **hide them if you must**, but remember that the name and address of the owner of any registered firearm (and they should be registered) are on file and easily accessed by local authorities.

Chances are good they won't be going house to house to confiscate guns unless gunfire in the streets becomes a common occurrence. It may seem like that's the time when you would want a firearm more than any other, but the military approach to guns and gunfire is simple and fatal.

That may be another good reason to bug out before the situation devolves. And **take the guns** with you.

Take A Deep Breath

It's tempting to assume the worst when the subject of Martial Law comes up. That's no surprise. Martial Law means that a very bad and desperate situation has grown to proportions that only the military can handle. But it doesn't automatically equate to the end of the world as we know it.

Martial Law is supposed to be implemented to correct and stabilize a serious situation. The result is that serious measures are imposed in an effort to restore some semblance of the order we expect to see in everyday society.

Most people can get through it without too much pain and grief. With any luck, the event or events will pass or subside; Martial Law will be lifted and a new normal will take its place.

The only real challenge is how you prepare and manage yourself during the situation. With proper preparation, appropriate actions, and a good dose of common sense you should be able to ride it out and look back on it as an experience not worth repeating.

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