



## Anniversary of the Quartering Act of 1774: Has the Illegal Quartering Ended?

Introducing and quartering standing Armies in a free Country in times of peace without the consent of the people either by themselves or by their Representatives, is, and always has been deemed a violation of their rights as free men.... — *Samuel Adams, "The Rights of the Colonists, A List of Violations of Rights and a Letter of Correspondence," 20 November 1772*

On this day in 1774, the Quartering Act went into effect in the British Colonies of North America.

The Quartering Act of 1774 was a law passed by the British Parliament as part of a series of measures aimed at asserting greater control over its American Colonies. The act required Colonists to provide housing and basic necessities to British troops stationed in the Colonies.

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The Quartering Act of 1774 amended an earlier Quartering Act from 1765, which required Colonists to provide quarters (housing) for British soldiers in public buildings such as inns and taverns. However, the 1774 Act allowed British soldiers to be quartered in private homes if necessary, and required Colonial governments to provide food, drink, bedding, and other supplies for the troops.

The act was an unconstitutional (the English constitution) violation of Colonists' rights as Englishmen and a further infringement on their right of self-governance, which had been under assault for years.

It was one of the factors that contributed to the growing tensions between the Colonists and the British government that eventually led to the War for Independence.

Eventually, the American union ratified a Constitution, as well as a Bill of Rights aimed at erecting additional barriers to tyranny beyond those in the original document.

Among the 10 amendments comprising the Bill of Rights, the Third Amendment was specifically targeted at preventing a repeat of the denial of the rights of liberty and property that Americans experienced under the two versions of the Quartering Act.

The text of the 1774 amendment of the Quartering Act reveals the de facto denial of consent of the governed:

And be it further enacted by the authority aforesaid that, if it shall happen at any time that



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any officers or soldiers in His Majesty's service shall remain within any of the said colonies without quarters for the space of twenty four hours after such quarters shall have been demanded, it shall and may be lawful for the governor of the province to order and direct such and so many uninhabited houses, outhouses, barns, or other buildings as he shall think necessary to be taken (making a reasonable allowance for the same) and make fit for the reception of such officers and soldiers, and to put and quarter such officers and soldiers therein for such time as he shall think proper.

Whereas the earlier iteration confined the quartering to public buildings, the 1774 version of the act removed such explicit restrictions, leaving key terms undefined and up to the discretion of the royal governor.

Now, beyond the fact that such an act amounted to the arbitrary seizure of property at the whim of a regal functionary, there are two things from the history of the Third Amendment that we can apply to ourselves and our time.

For quick reference, the Third Amendment reads:

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

First, the occupation of Boston (or any other town in America) by British troops was itself a gross injustice and an act of war. Standing armies were known to be instruments of oppression and tyranny, and our Founding Fathers made frequent warnings against allowing such forces to exist among a free people.

And second, the forcible placement of military forces in the private homes of the people provided the government with unimpeded access to the possessions, conversations, and opinions of those whose homes they had invaded.

Now, setting aside the fact the United States of the 21st century has had an enormous, multi-billion dollar standing army for decades now, no one would suggest that we have seen the non-consensual quartering of the military in our homes. Right?

Actually, I would suggest that we have.

The Third Amendment could be construed in a novel way to thwart the progress toward the federal government's goal of placing every American under surveillance.

The National Security Agency (NSA) is a part of the Department of Defense, and therefore a part of the military. According to federal regulation, the director of the NSA must be an officer in the U.S. armed forces. Additionally, the NSA's own website makes its military purpose very clear:

NSA is part of the U.S. Department of Defense serving as a combat support agency.

Supporting our military service members around the world is one of the most important things that we do. NSA analysts, linguists, engineers and other personnel deploy to Afghanistan and other hostile areas to provide actionable SIGINT and cybersecurity support to warfighters on the front lines.

We provide intelligence support to military operations through our signals intelligence



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activities, while our cybersecurity personnel, products and services ensure that military communications and data remain secure, and out of the hands of our adversaries.

We provide wireless and wired secure communications to our warfighters and others in uniform no matter where they are, whether traveling through Afghanistan in a Humvee, diving beneath the sea, or flying into outer space. Our cybersecurity mission also produces and packages the codes that secure our nation's weapons systems.

Additionally, we set common protocols and standards so that our military can securely share information with our allies, NATO and coalition forces around the world. Interoperability is a key to successful joint operations and exercises.

There could be no more compelling evidence of the military nature of the principal agents of the surveillance state, and thus, any unwanted intrusion of the NSA into the homes of Americans would seem to violate, if not the *letter*, most assuredly the *spirit* of the Third Amendment.

Remember, the purpose behind the Third Amendment was not just to prevent the seizure of private homes by the military, but to deny the military access to the conversations and attitudes of the homeowner, access that was — and still is — used to identify people as enemies of the tyrant and to keep those suspected of harboring anti-government sentiments under the close watch of agents of the regime.

In the case of the NSA, those agents are part of the military — and thus the Third Amendment could be invoked to stop the infiltration of the surveillance state into the homes of Americans.



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