

**REPORT DOCUMENTATION PAGE**

*Form Approved*  
OMB No. 0704-0188

The public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

**PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.**

<b>1. REPORT DATE (DD-MM-YYYY)</b> 7 June 2012		<b>2. REPORT TYPE</b> Master's Thesis		<b>3. DATES COVERED (From - To)</b> 25 July 2011 - 15 June 2012	
<b>4. TITLE AND SUBTITLE</b> The New Guard: A Service Equivalent Force				<b>5a. CONTRACT NUMBER</b>	
				<b>5b. GRANT NUMBER</b>	
				<b>5c. PROGRAM ELEMENT NUMBER</b>	
				<b>5d. PROJECT NUMBER</b>	
				<b>5e. TASK NUMBER</b>	
				<b>5f. WORK UNIT NUMBER</b>	
<b>6. AUTHOR(S)</b> LTC James E. Scalf, USA					
<b>7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)</b> Joint Forces Staff College Joint Advanced Warfighting School 7800 Hampton BLVD. Norfolk, VA 23511-1702				<b>8. PERFORMING ORGANIZATION REPORT NUMBER</b>	
<b>9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)</b>				<b>10. SPONSOR/MONITOR'S ACRONYM(S)</b>	
				<b>11. SPONSOR/MONITOR'S REPORT NUMBER(S)</b>	
<b>12. DISTRIBUTION/AVAILABILITY STATEMENT</b> Approved for public release, distribution is unlimited.					
<b>13. SUPPLEMENTARY NOTES</b>					
<b>14. ABSTRACT</b> This thesis proposes that the National Guard is a service-equivalent force and requires expanded authorities to develop capabilities for its dual-role mission. The paper provides an in depth analysis of the historical role of the militia and the subsequently the National Guard. It examines the debates and issues that underpin the current defense force structure and makes specific recommendations for the future development and role of the National Guard.					
<b>15. SUBJECT TERMS</b>					
<b>16. SECURITY CLASSIFICATION OF:</b>			<b>17. LIMITATION OF ABSTRACT</b>  Unclassified Unlimited	<b>18. NUMBER OF PAGES</b>  74	<b>19a. NAME OF RESPONSIBLE PERSON</b>
<b>a. REPORT</b> Unclassified	<b>b. ABSTRACT</b> Unclassified	<b>c. THIS PAGE</b> Unclassified			<b>19b. TELEPHONE NUMBER (Include area code)</b> 757-443-6301

## INSTRUCTIONS FOR COMPLETING SF 298

**1. REPORT DATE.** Full publication date, including day, month, if available. Must cite at least the year and be Year 2000 compliant, e.g. 30-06-1998; xx-06-1998; xx-xx-1998.

**2. REPORT TYPE.** State the type of report, such as final, technical, interim, memorandum, master's thesis, progress, quarterly, research, special, group study, etc.

**3. DATES COVERED.** Indicate the time during which the work was performed and the report was written, e.g., Jun 1997 - Jun 1998; 1-10 Jun 1996; May - Nov 1998; Nov 1998.

**4. TITLE.** Enter title and subtitle with volume number and part number, if applicable. On classified documents, enter the title classification in parentheses.

**5a. CONTRACT NUMBER.** Enter all contract numbers as they appear in the report, e.g. F33615-86-C-5169.

**5b. GRANT NUMBER.** Enter all grant numbers as they appear in the report, e.g. AFOSR-82-1234.

**5c. PROGRAM ELEMENT NUMBER.** Enter all program element numbers as they appear in the report, e.g. 61101A.

**5d. PROJECT NUMBER.** Enter all project numbers as they appear in the report, e.g. 1F665702D1257; ILIR.

**5e. TASK NUMBER.** Enter all task numbers as they appear in the report, e.g. 05; RF0330201; T4112.

**5f. WORK UNIT NUMBER.** Enter all work unit numbers as they appear in the report, e.g. 001; AFAPL30480105.

**6. AUTHOR(S).** Enter name(s) of person(s) responsible for writing the report, performing the research, or credited with the content of the report. The form of entry is the last name, first name, middle initial, and additional qualifiers separated by commas, e.g. Smith, Richard, J, Jr.

**7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES).** Self-explanatory.

**8. PERFORMING ORGANIZATION REPORT NUMBER.** Enter all unique alphanumeric report numbers assigned by the performing organization, e.g. BRL-1234; AFWL-TR-85-4017-Vol-21-PT-2.

**9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES).** Enter the name and address of the organization(s) financially responsible for and monitoring the work.

**10. SPONSOR/MONITOR'S ACRONYM(S).** Enter, if available, e.g. BRL, ARDEC, NADC.

**11. SPONSOR/MONITOR'S REPORT NUMBER(S).** Enter report number as assigned by the sponsoring/monitoring agency, if available, e.g. BRL-TR-829; -215.

**12. DISTRIBUTION/AVAILABILITY STATEMENT.** Use agency-mandated availability statements to indicate the public availability or distribution limitations of the report. If additional limitations/ restrictions or special markings are indicated, follow agency authorization procedures, e.g. RD/FRD, PROPIN, ITAR, etc. Include copyright information.

**13. SUPPLEMENTARY NOTES.** Enter information not included elsewhere such as: prepared in cooperation with; translation of; report supersedes; old edition number, etc.

**14. ABSTRACT.** A brief (approximately 200 words) factual summary of the most significant information.

**15. SUBJECT TERMS.** Key words or phrases identifying major concepts in the report.

**16. SECURITY CLASSIFICATION.** Enter security classification in accordance with security classification regulations, e.g. U, C, S, etc. If this form contains classified information, stamp classification level on the top and bottom of this page.

**17. LIMITATION OF ABSTRACT.** This block must be completed to assign a distribution limitation to the abstract. Enter UU (Unclassified Unlimited) or SAR (Same as Report). An entry in this block is necessary if the abstract is to be limited.

*NATIONAL DEFENSE UNIVERSITY*

*JOINT FORCES STAFF COLLEGE*

**JOINT ADVANCED WARFIGHTING SCHOOL**



**THE NEW GUARD: A SERVICE-EQUIVALENT FORCE**

by

**James E. Scalf**

*LTC, Tennessee Army National Guard*



**THE NEW GUARD: A SERVICE-EQUIVALENT FORCE**

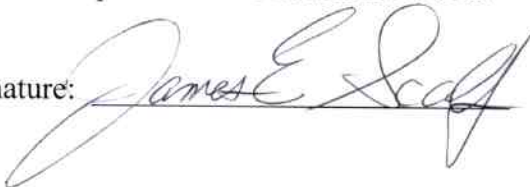
by

**James E. Scalf**

*LTC, Tennessee Army National Guard*

A paper submitted to the Faculty of the Joint Advanced Warfighting School in partial satisfaction of the requirements of a Master of Science Degree in Joint Campaign Planning and Strategy. The contents of this paper reflect my own personal views and are not necessarily endorsed by the Joint Forces Staff College or the Department of Defense.

This paper is entirely my own work except as documented in footnotes.

Signature: 

**7 June 2012**

**Thesis Adviser:  
Name**

Signature: 

**Col. John Paul, Thesis Advisor**


**Approved by:**

Signature: 

**Dr. Vardell Nesmith, Academic Advisor**

Signature: 

**Col. Jeffrey J. Waechter, Committee Member**

Signature: 

**James B. Miller, Col, USMC,  
Director, Joint Advanced Warfighting School**



## **ACKNOWLEDGEMENT**

I wish to acknowledge the contributions and sacrifices my family has made to give me an opportunity to serve and most especially, the many indulgences of my wife—Patti, who has seen far too much worse and not near enough better of me. I also would like to acknowledge the many leaders who have patiently mentored me through years. These leaders have given out of the abundance of their knowledge and experience to assist me as I have succeeded through the ranks. The writing of this document would not have been possible without the encouragement and guidance of Col. John Paul. He patiently waited for me to work it out and always inspired me to do just a little more to make it that much better. Last but not least, I will always have to thank Mom. She gave me a hunger to learn when I was young and has nurtured it ever since.

## **DEDICATION**

This is dedicated to those who have “rode with the Regiment” and for those who continue to ride.

## TABLE OF CONTENTS

INTRODUCTION .....	1
CHAPTER 1: The Role of the Militia .....	6
The Colonial Militia.....	6
The Origins of the American Militia .....	6
Jamestown Settlement.....	6
The New England Militia.....	8
Compulsory Service .....	9
The Evolution of the American Militia .....	11
The Minutemen System .....	11
The Role of the Militia in Revolution .....	12
The Battles of Lexington and Concord.....	12
The New England Army .....	16
The Continental Army .....	16
The Birth of the Army.....	16
The Constitutional Militia.....	18
Dual Military System .....	18
Federalist versus Anti-Federalist .....	18
Washington’s Sentiments.....	20
Constitutional Compromise .....	22
Militia Reforms .....	23
The Knox Plan .....	23
The Militia Act of 1792 .....	24
The “Essential Pillar” .....	25
The War of 1812 .....	27
Calhoun’s Expandable Army Plan.....	29
CHAPTER 2: The Rise of the National Guard.....	31
The Volunteer Militia.....	31
The Demise of the Enrolled Militia.....	31
Manifest Destiny .....	31
Volunteer Companies.....	32
Civil War and Reconstruction .....	35
The Emergence of the Regular Army .....	35
Reconstruction .....	38

The Great Railroad Strike of 1877 .....	39
Strikebreakers .....	40
The Posse Comitatus Act of 1878.....	40
The Legislative Battle .....	41
Quest for Reforms .....	41
The Influence of Upton.....	41
The National Guard Association.....	42
The Dick Act.....	44
The Militia Act of 1908 .....	46
Coastal Batteries .....	46
The Army Reserve .....	47
The Continental Plan.....	47
The Modern National Guard .....	48
Training as they Fight .....	48
The Defense Act of 1916 .....	49
The Influence of Palmer.....	49
Reorganizing and Remissioning .....	50
Cold War .....	52
Strategic Reserve .....	52
The All-Volunteer Force.....	52
The Abrams Doctrine.....	53
The Perpich Lawsuit .....	53
Post-Cold War .....	54
Tiered Readiness .....	54
CHAPTER 3: Recommendations for the National Guard.....	56
The Adaptive Force.....	56
Multi-purpose Force Structure .....	56
Growing Missions for the Guard .....	56
The Chief of the National Guard Bureau .....	57
NDAA 2012 .....	57
DOTMLPF .....	58
Homeland Defense and Homeland Security .....	61
The National Guard-Reserve Equipment Account .....	62
Developing Domestic Guard Units .....	65

Joint Doctrine Development System .....	66
Functional Areas for Guardsmen .....	66
Building Partner Capacity .....	67
State Partnership Program.....	67
Operational Mentor Liaison Teams .....	69
CONCLUSION.....	70
BIBLIOGRAPHY.....	71



## INTRODUCTION

On November 10, 2011, the Senate Armed Services Committee conducted a hearing on the National Guard Empowerment Act of 2012. The main focus of discussion was whether or not the Chief of the National Guard Bureau (CNGB) should be included as a member of the Joint Chiefs of Staff (JCS). This was the first time the entire Joint Chiefs had ever testified together before the committee. Additionally, the CNGB and the General Counsel for the Department of Defense (DOD) were called to testify. With the exception of the CNGB, *all* of the uniformed members from the panel opposed the legislation.<sup>1</sup> Considering the lopsided opposition by the JCS, the uniqueness of the mass appearance and the additional resistance of Secretary of Defense Leon Panetta,<sup>2</sup> who did not attend, it would have seemed that the amendment was doomed to certain failure; however, it passed with overwhelming bi-partisan support.

The members of the JCS each listed their criticisms of the Act in letters to the committee. Most cited the important contribution the National Guard makes to national defense and that the CNGB has “service-like” functions; but, those functions do not rise to the level of a service chief. Most were critical of elevating a reserve component force to have a voice separate from its primary service. A few promoted the fact that there was no direct civilian oversight. The U.S. Marine Corps faced the same criticism when legislation was introduced to elevate the Commandant to the JCS. When asked by

---

<sup>1</sup> U.S. Congress. Senate. Committee on Armed Services. *Hearing to Receive Testimony on Whether the Chief of the National Guard Bureau Should be a Member of the JCS: Hearing before the Committee on Armed Services*. 112th Cong., 1st sess., November 10, 2011 (statement of Senator Carl Levin). [http://armed-services.senate.gov/e\\_witnesslist.cfm?id=5255](http://armed-services.senate.gov/e_witnesslist.cfm?id=5255).

<sup>2</sup> U.S. Congress. Senate. Committee on Armed Services. *Letter to The Honorable Carl Levin, Chairman*. 112th Cong., 1st sess., December 7, 2011 (Letter from Leon Panetta, Secretary of Defense).

Senator Scott Brown from Massachusetts to explain the difference between the National Guard and the Marine Corps, the Commandant of the Marine Corps, General James F.

Amos, stated:

...we are a service. We have been one for 236 years. When the Marine Corps got its seat at the table in 1978, we had been fighting our Nation's battles as a service for over 200 years. That is different. The Guard is not a service.<sup>3</sup>

What he failed to state was that the militia was serving the states before they were even united. In fact, the National Guard, known as the militia until the late 1800's, pre-dates the Marine Corps by nearly 140 years.<sup>4</sup> The militia was the first American military service. It now has an annual budget of \$28 billion, slightly less than the Corps \$29 billion budget.<sup>5</sup> It also has the same "Common Military Department Functions" described in Department of Defense Directive (DODD) 5100.01 which include recruiting, organizing, supplying, equipping, training, servicing, mobilizing, demobilizing, administrating, maintaining, construction and repairs of structures.<sup>6</sup> Moreover, it has the additional role of serving as the State Governors emergency response force. Not only does the National Guard fight our nation's wars—it also responds to our domestic

---

<sup>3</sup> U.S. Congress. Senate. Committee on Armed Services. *Hearing to Receive Testimony on Whether the Chief of the National Guard Bureau Should be a Member of the JCS: Hearing before the Committee on Armed Services*. 112th Cong., 1st sess., November 10, 2011 (testimony of General James F. Amos, Commandant of the Marine Corps). [http://armed-services.senate.gov/e\\_witnesslist.cfm?id=5255](http://armed-services.senate.gov/e_witnesslist.cfm?id=5255).

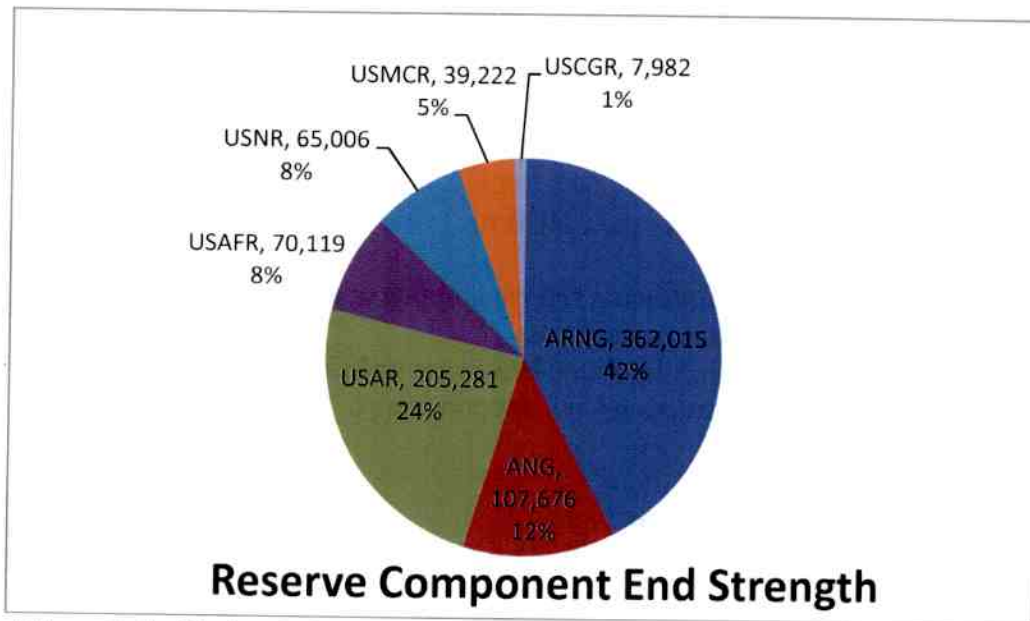
<sup>4</sup> Michael D. Doubler, *Civilian in Peace, Soldier in War—The Army National Guard, 1636–2000* (Lawrence, Kansas: University Press of Kansas, 2003), 229.

<sup>5</sup> U.S. Congress. Senate. Committee on Armed Services. *Hearing to Receive Testimony on Whether the Chief of the National Guard Bureau Should be a Member of the JCS: Hearing before the Committee on Armed Services*. 112th Cong., 1st sess., November 10, 2011 (testimony of Craig R. McKinley, Chief of the National Guard Bureau). [http://armed-services.senate.gov/e\\_witnesslist.cfm?id=5255](http://armed-services.senate.gov/e_witnesslist.cfm?id=5255).

<sup>6</sup> U.S. Department of Defense, *DoD Directive 5100.01: Functions of the Department of Defense and Its Major Components*, December 21, 2010 (Washington, DC: Department of Defense, 21 December 2010), 26.

emergencies. Given its unique dual role and complimentary status, the National Guard must be defined as a service equivalent force and is worthy of expanded Department-level authorities.

In his testimony, General McKinley dismissed concerns about the National Guard seeking to become a separate service. He pointed out that by statute; the National Guard is a reserve component of the U.S. Army and Air Force. The Army and Air Force have service Secretaries with primary responsibility of establishing policy for the National Guard employment in a Title 10 status. Those Secretaries provide civilian oversight, prescribe training requirements, procure equipment and validate budget requests.<sup>7</sup>



Although the National Guard makes up only two of the seven DOD reserve components, the Army and Air National Guard have almost 470,000 soldiers and airmen. This is nearly fifty-five percent of the 850,000 in the entire reserve component. The National

<sup>7</sup> U.S. Congress. Senate. Committee on Armed Services. *Hearing to Receive Testimony on Whether the Chief of the National Guard Bureau Should be a Member of the JCS: Hearing before the Committee on Armed Services*. 112th Cong., 1st sess., November 10, 2011 (testimony of Craig R. McKinley, Chief of the National Guard Bureau). [http://armed-services.senate.gov/e\\_witnesslist.cfm?id=5255](http://armed-services.senate.gov/e_witnesslist.cfm?id=5255).

Guard also maintains almost all of the reserve combat capabilities for the Army and Air Force. Because of this and its sheer size, the National Guard is essential for the Army and Air Force strategic capabilities.<sup>8</sup>

The National Guard has another role that clearly sets it apart from all the other services—its support to civil authorities. Primarily, it is this unique function that compelled Congress to disregard the JCS advice and elevate the CNGB to full membership. The CNGB is exclusively qualified to provide advice on military support for domestic operations. The CNGB does not command these forces in the same fashion that other service chiefs do not command their service forces once assigned to a Combatant Commander. That said, he is nevertheless responsible for balancing the response to domestic emergencies and the readiness of National Guard forces for contingency operations. Specifically, the Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 3125.01B requires the CNGB to:

- Ensure all states have the following NG capabilities or access to these NG capabilities on a regional basis:
- (a) Command and Control: Joint Force HQ-State; and JTF-State.
  - (b) Weapons of Mass Destruction Civil support teams.
  - (c) Maintenance.
  - (d) Aviation.
  - (e) Engineer (technical search and rescue).
  - (f) Medical, to include ANG Expeditionary Medical Support.
  - (g) Communications.
  - (h) Transportation.
  - (i) Security.
  - (j) Logistical.<sup>9</sup>

---

<sup>8</sup> James E. Cartwright and Dennis M. McCarthy, *Comprehensive Review of the Future Role of the Reserve Component, Volume I, Executive Summary and Main Report* (Washington, DC: Office of the Assistant Secretary of Defense for Reserve Affairs, April 5, 2011), 20.

<sup>9</sup> U.S. Joint Chiefs of Staff, *Defense Support of Civil Authorities (DSCA) for Domestic Consequence Management (CM) Operations in Response to a Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive (CBRNE) Incident*, CJCSI 3125.01B . (Washington, DC: Joint Chiefs of Staff, August 19, 2009), B-14.

While all these capabilities are necessary for consequence management in response to a Chemical, Biological, Radiological, Nuclear or High-Yield Explosive (CBRNE) incident, it demonstrates that the CNGB currently has service-like functions and necessitates the capability to develop forces through the Joint Capabilities Integration Development System (JCIDS), which is clearly a service function.

The CNGB needs the authorities to develop units for roles and functions either unique to the Guard or for which it is well suited. Roles are defined in Joint Publication 1 as “the broad and enduring purposes for which the Services and USSOCOM were established in law.” Functions are “the appropriate assigned duties, responsibilities, missions, or tasks of an individual, office, or organization.”<sup>10</sup> This paper examines the historic roles and functions of the National Guard and makes recommendations for developing Doctrine, Organization, Training, Material, Leadership, Personnel, and Facilities (DOTMLPF) solutions to bridge capability gaps. First, it will examine the historic role of the militia and how much of the discussion about reserve component utilization is nothing new. Often, leadership within the DOD finds the Guard too difficult to understand or too complicated to be useful. The goal of this paper is to inform that leadership of how the Guard has been used in the past and should be modeled for the future. Then, it will look at the rise of the National Guard and the factors and forces that have transformed the militia. It concludes with recommendations for future improvements to improve and enhance the capabilities of the National Guard and how that is beneficial to the Nation.

---

<sup>10</sup> 10 U.S. Joint Chiefs of Staff, *DOD Doctrine for the Armed Forces of the United States*, Joint Publication 1, May 2, 2007 Incorporating Change 1 March 20, 2009 (Washington, DC: Joint Chiefs of Staff, March 20, 2009), II-3.

## CHAPTER 1: The Role of the Militia

### **The Colonial Militia**

#### The Origins of the American Militia

##### *Jamestown Settlement*

The legacy of the American Citizen-Soldier begins with the earliest settlement of English colonies in the New World. In 1607, the arrival of English settlers at the mouth of the Chesapeake Bay was met shortly thereafter with open hostility from Native Americans. After locating up the James River on a marshy peninsula that afforded protection from the Indians and concealment from the Spanish, the settlers founded Jamestown colony on the 16<sup>th</sup> of May.<sup>1</sup> Ten days later, over 200 braves from the Powhatan tribe attacked the settlement with the intent of either killing all the inhabitants or causing them to flee. The surprised settlers relied on make-shift defenses that were hastily established and cannon fire from their three nearby naval vessels to repel the attack. Although only two colonists were killed, the attack left an indelible image of warfare in the new world.<sup>2</sup>

The settlers relied on the military training and weaponry they had received in England. They would implement a militia system similar to that used in Europe; however, it would be adaptive, flexible and self-reliant.<sup>3</sup> The militia was the sole protector against the existential threats posed by Native Americans, the Spanish and later

---

<sup>1</sup> Douglas E. Leach, *Arms for Empire: A Military History of the British Colonies in North America, 1607-1763* (New York: Macmillan, 1973), 1-2.

<sup>2</sup> Michael D. Doubler, *Civilian in Peace, Soldier in War—The Army National Guard, 1636–2000* (Lawrence, Kansas: University Press of Kansas, 2003), 10-11.

<sup>3</sup> *Ibid.*, 7-9.

the French. The necessity of local defense forced the settlers to task each able-bodied male to serve both for self-preservation and the protection of the settlement.<sup>4</sup>

In September of 1608, Captain John Smith became the settlement leader and began holding compulsory drills to improve the capabilities of the militia.<sup>5</sup> Soon afterward, he initiated an offensive up the peninsula to raid Powhatan villages, forage for food and seek other possible settlement sites. During this campaign, Smith quickly learned to adapt tactics and rid his soldiers of the heavy armor and helmets. Although Smith would be wounded in a minor skirmish, his surveys and writings encourage the further expansion of more settlements on the James River. These would be the first writings that would be used for doctrine about warfare in early America.<sup>6</sup>

The growth of the colonies meant a growth in the militia. Each settlement would follow Jamestown's model of compulsory service and regular drills for training. The colonist and Powhatans continued to conduct raids and ambushes against each other until an uneasy peace was brokered in 1614. With the truce established, the settlers quickly abandoned the militia practices to focus on lucrative tobacco production, starting new settlements and extending land tracts.<sup>7</sup>

As the colony expanded, so did the gap between the settlers and the Powhatans. On March 22, 1622, the Powhatans launched a massive, coordinated and surprise attack against the settlements that resulted in over three hundred colonist killed. This was nearly twenty-five percent of the just over 1,200 settlers. After recovering from the

---

<sup>4</sup> Ibid.

<sup>5</sup> William L. Shea, *The Virginia Militia in the Seventeenth Century* (Baton Rouge, LA: Louisiana State University Press, 1983), pp. 12-16.

<sup>6</sup> Doubler, 12-14.

<sup>7</sup> Ibid, 14.

shock, the militia led a series of devastating reprisals against the offending tribe. Once again, the militia protected the settlements from annihilation and expanded territory into Powhatan lands. From this time forward, the colony would maintain a militia in even the most remote settlements. The Virginia Assembly developed a responsive command structure with four military districts that could reinforce each other. Because of its success, the Virginia militia system would be copied throughout the colonies with each region having a distinct model.<sup>8</sup>

### *The New England Militia*

In New England, the Puritans were very conscientious about their militia service. Though service was compulsory and in some instances required citizens to own and maintain their own firearms, most served out of a sense of duty. On December 13, 1636, the Massachusetts General Court ordered the establishment of the first militia regiments. This decision heralded the birth of the National Guard. Officers were chosen by popular elections and non-commissioned officers were selected by the elected officers.<sup>9</sup>

As the colonies grew, the tension with some Indian tribes became more elevated. In 1637 and again in 1675, the colonists were at war with Indian tribes. In both cases, the militia was the sole military response for the colonies. The colonist had allied themselves in both wars with friendly Indians; but, British "Regulars" were not used. King Philip's War brought widespread devastation to New England colonies. "King Philip" was the name bestowed by the colonist upon Metacom, the chief of the Wampanoag Indians. It would take the militias from multiple colonies and their Indian alliances to defeat "King

---

<sup>8</sup> Doubler, 14.

<sup>9</sup> Ibid, 16.

Philip” and his allies. The aftermath would leave over one thousand colonists killed and over ninety towns attacked; many of which were completely destroyed. In the Virginia militia system, settlements joined forces to secure the colony. Significantly, King Philip’s War was the first time colonies united their militias.<sup>10</sup>

Colonies would be reluctant to place their militias under external leadership. Even when serving under the British, the militia maintained its unit integrity to the best extent possible. This recurring caveat is still prevalent today. The New England confederation was an attempt to maintain a military alliance during the mid-1600s. It was an integral aspect to defeating Metacom during King Philip’s War. Colonies united their militia in the interim under a singular command until the danger was averted. Then, the militia returned to its normal structure. Although successful during the crisis, the confederation was soon dissolved.<sup>11</sup>

### ***Compulsory Service***

Though the first militia was formed out of self-preservation, it would not be long before service became compulsory. Most able-bodied men from 18-45 were enrolled for duty except those excluded for race, condition of servitude or poverty. When threats became ominous, these exclusions were often lifted to provide volunteers.<sup>12</sup> The Virginia militia system formed companies and regiments around town or settlement leaders. By 1630, the colony fielded over 2,000 soldiers in the militia. When plantations became

---

<sup>10</sup> Leach, 59-66.

<sup>11</sup> Ibid, 64-66.

<sup>12</sup> Jerry Cooper, *The Rise of the National Guard: The Evolution of the American Militia 1865-1920* (Lincoln, NE: University of Nebraska Press, 1997). p.2.

more prevalent, militias were formed around the plantation owner or manager. Plantation militias were also used to control slave populations and track down runaways.<sup>13</sup>

In New England, the settlements had extremely well organized militias. Although service was compulsory, most felt it was their duty to serve. Some villages required their militia members to provide their own muskets and shot.<sup>14</sup> As the colonies grew and prospered, militia service conflicted with employers and business leaders at times. Colonial assemblies clearly understood the ramifications of extended militia mobilization. The threat requiring the mobilization had to warrant such a use of manpower and distraction from other essential tasks necessary to make the colony prosper. They frequently exercised their mobilizations and drilled on a regularly scheduled basis. While they had relatively few supplies, they emphasized marksmanship as opposed to massing fires. Because of the frequency of drills and the nature of the mission, most members were younger and less prominent in the community. There service became a means of elevation within colonial society.<sup>15</sup>

This was in stark contrast to the British. They filled their regular army ranks by conscription. They often emptied their jails of criminals with misdemeanor level offenses and placed them in army. They were neither respected nor trusted by the colonist. When the British imposed heavy taxes to pay for the presence of the army in the colonies and quartered their soldiers in colonist homes, they began a chain of events

---

<sup>13</sup> Shea, 12-16.

<sup>14</sup> Doubler, 14-22.

<sup>15</sup> Cooper, 2-4.

that would lead to the Revolutionary War. Ultimately, these events would impact how the founders would view the military and the militia.<sup>16</sup>

## The Evolution of the American Militia

### *The Minutemen System*

Following the Pequot war, New Hampshire, Rhode Island and Connecticut would establish formal militia systems.<sup>17</sup> Many colonies required their militia to have one third of its members ready to march within thirty minutes notice. The term “minutemen” comes from these militias, which often proved essential to protecting against Indian attacks. Settlements opted to have either an “enrolled militia” or a “minutemen” company. The local governing body organized the militias as necessary depending on threats and availability of military age males.<sup>18</sup> For example, settlements with small populations like Lexington relied on the enrolled militia for local security and would mobilize for regional threats as needed. Concord had a much larger population so it formed minutemen companies from its enrolled militia. The minutemen companies allowed for a rapidly deployable force within the colonies.<sup>19</sup>

When the need for a more permanent military presence occurred, some colonies established “Ranger Companies” that served on an irregular basis and would be paid, unlike regular militia members. The Rangers were highly skilled at conducting extended patrolling and allowed for the colonies to have a greater awareness of the Indian threat

---

<sup>16</sup> R. S. Stephenson, “Pennsylvania Provincial Soldiers in the Seven Years’ War,” *Pennsylvania History* 62, no. 2 (1995): 205.

<sup>17</sup> Doubler, 17.

<sup>18</sup> Galvin, John R., *The Minute Men: The First Fight, Myths and Realities of the American Revolution* (Washington, DC: Brassey’s, 1996), 10-11.

<sup>19</sup> Doubler, 32-35.

and early warning of imminent attack. These companies would be used extensively during the French and Indian War by the British. The famous "Roger's Rangers" gained their notoriety from this system. His "Standing Orders" are still taught today in U.S. Army Ranger School. These were the three basic militia systems that the colonies would use for security until the Revolutionary War.<sup>20</sup> Even though the readiness and functions of each of these systems were different, they were all part of the colonial militia.

Typically, the militias were organized around company level units with a Captain as its commander. They usually provided their own equipment and weapons. In some settlements, citizens were required to own their own musket. If they could not afford one, a musket was generally provided as available. The minimum number of men in a company was fifty. As the militia system developed, companies formed into battalions; and, battalions formed into regiments. Each company elected its own officers and in turn those officers elected the senior officers of the battalion.<sup>21</sup>

## The Role of the Militia in Revolution

### *The Battles of Lexington and Concord*

Although there were many contributory factors that caused the Revolutionary War, the incident that began it was the Battles of Lexington and Concord. As tensions between the British and the colonist grew, British General Gage became concerned over the militia and the amount of arms and ammunition stored in the various enclaves throughout the region. He ordered a raid on the powder house just west of Boston seizing just over 250 half barrels of gunpowder. All of the gunpowder and most arms were

---

<sup>20</sup> Doubler, 18-26.

<sup>21</sup> Ibid, 10-26.

manufactured outside of the colonies. Gage believed that by seizing the arms and gunpowder from the militias he could prevent an escalation of hostilities. He was gravely mistaken. The raid served as a catalyst that angered colonist and swelled the ranks of the militia and supporters of revolution. The initial action had caught the colonist by surprise; however, the militia would quickly adopt a series of “powder alarms.” This warning network was drilled frequently to respond against the “Regulars” if needed.<sup>22</sup>

The second British attempt to seize arms from the colonist at Fort William and Mary in New Hampshire found that the militia had removed its over 100 barrels of powder and 16 cannons. Additionally, militia forces raided British supply depots in Connecticut and Rhode Island capturing more cannons and powder. Gage believed he would surprise the colonist when he sent forces to Salem on Sunday, February 22, 1775 to seize powder and arms. Instead, the British were surprised to find militia units streaming to encircle their patrol and lining the way back to the coast. It was clear that the colonist not only did not fear the vaunted “Regulars;” they were deliberately trying to provoke them. When word reached London about the failure of the raids and the colonist action, Gage was ordered to take decisive action and strike at the heart of the rebellion.<sup>23</sup>

When General Gage targeted Concord for a raid, he knew that surprise would be essential to the mission but hard to achieve. He hand-selected officers and units for the attack. Almost 900 soldiers made up from twenty-one companies of light infantry and grenadiers were placed under the leadership of Gage’s most capable commander, Lt. Colonel Francis Smith. It was the largest strike force used thus far and would travel the farthest inland. The risk was worth the prize in General Gage’s mind. The mission was

---

<sup>22</sup> David Hackett Fischer, *Paul Revere’s Ride* (Boston, MA: Oxford University Press, 1995), 37-44.

<sup>23</sup> Ibid.

to rush to Lexington to arrest the rebel leaders John Hancock and Samuel Adams. Then, they were to destroy Massachusetts' largest cache of war supplies at Concord. Although their intelligence was excellent, they failed to achieve surprise. Paul Revere and William Dawes were dispatched to warn Hancock and Adams while other riders alerted nearby towns to rally their militias. By the time the British had finished their boat movement under the cover of darkness and began their movement toward Lexington, Adams and Hancock were gone and multiple militia units were moving toward Concord. While the British moved speedily toward their first target, it was clear to them they had lost the element of surprise. All along the route they heard church bells, gunshots fired as signals and the movement of riders through the woods. Smith wisely sent a message back to General Gage to inform him of the situation and request that reinforcements be readied.<sup>24</sup>

Lexington had opted not to form a minutemen company. They relied instead on enrolled militia as did many smaller villages. They chose Captain John Parker, a highly capable and respected veteran of numerous campaigns during the French and Indian War, to raise and lead their militia. Most of the men in the unit were blood relatives of Parker. He had mobilized his men around two o'clock in the morning. With the British still far in the distance, they impatiently waited in the local tavern. Shortly after dawn, a rider came through the village warning of the advancing British column. The militia reformed on the commons facing the oncoming troops. When the first British officer saw the militia, he directed the first companies of troops to form battle lines and ordered the rebels to lay down their arms. Parker, seeing that he was hopelessly overmatched, ordered his men to disperse. Before the unit had time to react, a shot was fired. It is unclear if it was by the

---

<sup>24</sup> Fischer, 56.

militia or by the British. The result was the British fired a volley into the militia formation followed by rapid individual firing. While some militia tried to return fire, most simply fled. Parker's men suffered seven killed and nine wounded.<sup>25</sup>

After a brief recovery, the British continued toward Concord. The minutemen and enrolled militia had each massed a regiment north of Concord. The supplies the British sought were long gone by the time they arrived. As they prepared to search the town, Smith sent patrols to secure the two bridges between his forces and the militia. During the search, the British found some wooden gun carriages and decided to burn them, accidentally setting the town meeting house on fire. The militia watching from hills across the swollen river thought the British were about to raze the town. They moved forward to attack the British guarding the north bridge. While the skirmish was small, this was the legendary "shot heard 'round the world."<sup>26</sup>

The first battle of the Revolutionary war is often portrayed as masses of farmers or villagers grabbing their muskets and rushing through the woods haphazardly to join a battle in progress. While this may have happened, obviously units were already engaged. The majority of the patriots that responded to Paul Revere's alarm formed into units. They had captains and colonels many of whom had rehearsed a response to such a British action. In numerous instances during the British retreat to Boston, militia units were emplaced at exact locations to inflict large numbers of casualties while exposing militia units to minimal risks. The militia suffered 50 killed, 39 wounded and 5 missing. By contrast, the British had 65 killed, 180 wounded and 27 missing. Were it not for the reinforcements that Smith had requested earlier, the British would have suffered far

---

<sup>25</sup> Doubler, p. 31-33.

<sup>26</sup> Ibid.

greater casualties. Brigadier General Hugh Percy was able to prevent a total loss of Smith's force when he arrived with his 1,000 soldier force to rescue the beleaguered raiders. Percy himself would remark, "Whoever looks upon them (the militia) as an irregular mob, will find himself much mistaken."<sup>27</sup> While the colonist lacked a focused unity of command, they certainly achieved an exceptional level of unity of effort.

### ***The New England Army***

Within days of the Battles of Lexington and Concord, militias had gathered to surround the British in Boston. When it became apparent that the British were not pressing for a rematch, the Massachusetts Provincial Congress sent requests to neighboring colonies for reinforcements. This was the beginning of the New England Army. This army would find its first test in June of 1775 when the British attempted to capture the dominating heights on the Charlestown Peninsula. While the British would take Breeds Hill, they paid an excessively heavy cost. Of the 2,000 man British force, half were wounded or killed. The lessons from the battle exposed several weaknesses of the militia army. Poor logistics, inadequate staff, and poor discipline nearly proved fatal to the fledgling army. It was clear that it would take more than just a spontaneously joined arrangement of militia units to defeat the world's greatest land power.

## The Continental Army

### ***The Birth of the Army***

During the colonial era, the colonies relied primarily on the militia for its defense from Indians or other European powers. From the earliest settlers, the militia was adapted to meet emerging requirements with varying degrees of success. It evolved from

---

<sup>27</sup> Doubler, 33-35.

a mandated force for self-preservation to one of community service. Although the colonies occasionally unified militias for actions, rarely did they ever place their forces under the control of another colony. Even when required to supply forces under a British banner, the colonies maintained their own command structure and resented any perceived misuse or slight to the militia. This is still prevalent today. As the revolution began, it would become apparent that a “continental” force would be needed to fight the British. This would provide a unifying force that could be regionally enhanced by local militia units but commanded by officers selected by the Continental Congress.<sup>28</sup>

Congress voted to organize ten companies of riflemen from Pennsylvania, Virginia and Maryland on June 14, 1775, three days before the Battle of Bunker Hill. This would be the beginning of the Continental Army and is celebrated as the birthday of the United States Army. Congress quickly approved the selection of George Washington to lead the new Army. They further approved twelve General officers to serve beneath him from varying colonies and proportional to the troops that colony supplied. In one stroke, Congress established civilian control of the military, broadened the base of support for the revolution and laid the foundation for an expandable military.<sup>29</sup>

The new Continental Army was comprised initially of militia units and the majority of the officers and initial enlistees were directly from the militia. In fact, the leadership of the Continental Army would almost entirely be comprised of officers who had gained their experience in the colonial militia with the obvious exception of the foreign advisors. In time, the colonies would organize, equip and send to the army regiments known collectively as the “continental line.” The colony that sent the

---

<sup>28</sup> Doubler, 46-49.

<sup>29</sup> Doubler, 33-39.

Regiment could appoint the leadership in the unit to the rank of colonel. These “continentals” would become the backbone of the new army. While the regiments were a huge boost to Washington, they came with a problem that was already beginning to exasperate the new commander—short enlistments.<sup>30</sup>

Enlistments were on a one year of service basis. The shortness of enlistments would plague the Regular Army until 1777 when the service term went to three years or the end of the war. The inability of Congress to properly pay, equip and supply the army would likewise hamper re-enlistment efforts. Additionally, many of the leaders that made up the “continentals” came from the militia. This caused a cascading effect of stripping the leadership from multiple militia units. Militia units primarily supported the war effort by conducting raids on British outposts, harassing garrisons or pickets, conducting ambushes and informing the Continental Army of enemy movements. While the militia did not travel extensively, it did provide a persistent problem for the British.

## **The Constitutional Militia**

### Dual Military System

#### ***Federalist versus Anti-Federalist***

With Congressional ratification of the Treaty of Paris in September of 1783, the question of what to do with the Continental Army and the militia began to be deliberated. Under the Articles of Confederation, the army remained as the unifying force from the war with reduced troop numbers. The army largely oversaw the withdrawal of British troops and consolidated at forts near largely populated cities, along the Canadian border and the frontier. As the debate about forming a new constitution began, one of the major

---

<sup>30</sup> Ibid.

disputes was the issue of a standing army versus the militia system which colonies had prior to the war. Federalists, led by Alexander Hamilton, favored a strong central government that would become the key to developing a great nation-state of the combined states. They claimed that relying on the militia as the primary national defense “was to lean on a broken reed.” The Republicans, known first as anti-Federalists, wanted a stronger central government than the Articles of Confederation provided; however, they wanted the states to be the central actor of government.<sup>31</sup> The debate grew more acrimonious over the issue of national defense, and continues to this day.

The dual military system the Continental Congress had developed would not satisfy the Federalists. They believed a large standing army was needed complete with fortifications, arsenals, industrial support and learning institutions specifically for military training. This would allow for further westward expansion, guard the northern and southern borders, provide a model for the remaining militias and be prepared to defend the nation while other forces were raised as necessary. Conversely, The Republicans feared a large standing army. They viewed the militia as largely effective during the war and thought that was enough to provide internal defense. They believed that having a large ocean as a barrier and a well armed and equipped citizenry would provide the necessary time to raise an army if one were needed. Republicans feared that a large standing army would be prone to involvement in unnecessary wars and could be used against the people to enforce tyranny. They also worried that a large army would

---

<sup>31</sup> Richard H. Kohn, *Eagle and Sword: The Federalist and the Creation of the Military Establishment in America, 1783-1802* (New York: The Free Press, 1975), 86-88.

detract from support of militia which they felt was the bedrock of any national defense. As the debated waged unsettled, a few key events would become catalysts for action.<sup>32</sup>

At the end of the war, several officers joined together at Newburgh, New York began to plan a march on Congress in Philadelphia. While the officers had legitimate grievances, their actions sparked a civil-military crisis that frightened members of Congress. The intervention of George Washington quelled the officer's fury; but, the trust had been broken. A few months later, many of these officers would form the Society of Cincinnati to promote their ideas and beliefs. This was to be a non-profit organization for officers of the Revolutionary Army that had served three years or more. Membership in the group was to be hereditary. When congressional leaders heard this news, it seemed subversive and aristocratic to them. Another incident in June of 1783 provided an example of the Republicans anxiety. Members of the Pennsylvania Continentals marched on the State House where Congress and the state legislature were in session. Both events would pressure Congress and lend fuel to the fiery debate.

### ***Washington's Sentiments***

Congress appointed a special committee to find a compromise solution. The committee chair, Alexander Hamilton, quickly sought the advice of Washington. Washington responded with his "Sentiments on a Peace Establishment" in May of 1783 which had four major military pillars. First, he believed that a small Regular Army was essential to garrison frontier post, protect trade routes, defend the borders with British Canada and Spanish Florida, and provide security from a surprise attack. Second, he proposed sweeping reforms to the militia system. Third, he suggested a series of arsenals

---

<sup>32</sup> Kohn, 157-70.

spread throughout the country controlled by the central government and the states. Finally, he made the argument for establishing military academies for the purpose of studying military science, specializing in engineering and artillery.<sup>33</sup>

Washington's proposals for the militia were a major overhaul. He recommended a "National Militia" able to respond with better equipment and training than that of state militias. His proposal was to enroll every able-bodied male from the age of 18-50 in the militia. Each state would establish a "Corps" of special militia with the most motivated and physically fit men like the minutemen system. They would be paid for muster days, trained and equipped to be able to fall in line next to Regular Army units when needed to repel sudden attacks. Congress would mandate militia regulations that would standardize these units and provide for the same manner of discipline as imposed upon the Regulars. Finally, he recommended that each state appoint an "Adjutant General" to oversee the administration of the militia under the direction of the Governor.<sup>34</sup>

Washington saw the shortcomings of each states militia during his tenure as Commander in Chief. He clearly understood the essential role that the citizen-soldier played and wanted to harness that potential into a national defense policy. He viewed the Regular Army and the militia as complimentary and not competitive. While not all his proposals would make it into the Constitution, it is clear that many of them would find their way into practice eventually.

---

<sup>33</sup> Doubler, 63-65.

<sup>34</sup> Ibid, 63.

### *Constitutional Compromise*

The compromise that would divide the powers of the government would also divide military powers as well. Congress would have the power to “raise and support Armies,” and the President would act as Commander in Chief. The militia would be different. They would not have to be raised but called forth. The President would have no authority over the militia unless Congress authorized the mobilization.

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and discipling, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;<sup>35</sup>

The intent of this passage clearly reflects the debate to limit the powers of the executive. The implication is that the states would maintain their militias with their state appointed officers responsible for their training. Congress would prescribe how they would be organized and disciplined. Additionally, Congress would also have the responsibility to arm the militia. The Constitution also restricted the States from engaging in war with foreign powers and restrained them from “keeping Troops, or Ships of war in time of Peace,” without consent of Congress.<sup>36</sup>

As the Constitution began to be ratified, the States urged that a series of enumerated rights be specified that applied to the individual and the State. These would become the Bill of rights. Of these ten amendments, two would deal specifically with military matters. The Third Amendment addressed the quartering of soldiers, which was

---

<sup>35</sup> U.S. Constitution, art. 1, sec. 8, cl. 15-16.

<sup>36</sup> Kohn, 74-79.

still a fresh injury to population from the French and Indian war until and throughout the Revolution. The other was the Second Amendment which reads:

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.<sup>37</sup>

The states that supported the Bill of Rights clearly wanted to preserve their ability to raise militia forces within their territory, not just the individual right to bear arms. The possession of firearms by the civilian population had been essential in the survival of the Colonies and the winning of the Revolutionary War. The presence of an armed and capable citizenry was not only a strong deterrent to potential adversaries; it was a strong prevention of possible governmental abuses on the citizenry. Many of the men who scrambled to prevent the British from seizing the colonies arms during the Powder Alarms were the same men pressing for these Amendments.<sup>38</sup>

### Militia Reforms

#### ***The Knox Plan***

Washington's administration pressured Congress for action to pass sweeping reforms for the militia. Washington's "Sentiments" were used as a basis for a proposal by the first Secretary of War, Henry Knox. Knox was a former Massachusetts militia member and was Washington's Chief of Artillery during the Revolutionary War. The main objective of his plan was to provide better training by dividing the militia into age groups. Males between the ages of 18-20 would undergo 30 days of training each year in "camps of discipline." These camps would instruct basic soldier skills and citizenship.

---

<sup>37</sup> U.S. Constitution, amd. 2.

<sup>38</sup> Doubler, 61-69.

American youth were required to participate in these camps to qualify to vote, hold office or exercise other legal rights. The “main corps” was formed by males aged from 21-45. This provided the manpower pool to create armies if needed for a prolonged conflict and their training would be as necessary or dictated by the State. The “reserve corps” consisted of men older than 45 and they mustered twice a year and only served in homeland defense in the event of an actual invasion. The plan allocated a minimum of \$400,000 annually for training, equipping and uniforms. Their organization and standards were to be compatible with federal forces. Finally, the provision required senior militia officers to report the status of the militia to federal authorities.<sup>39</sup>

A skeptical public and Congress shocked by the expense rejected the proposal. Business leaders objected to losing its manpower for up to four weeks a year, the public feared the “camps” would corrupt young men and militarize policy. Also, states objected to unit organizations being dictated by the federal government. Southern states needed more cavalry units to cover its more sparsely populated territory and conduct slave patrols while the northern states had no such requirement. Republicans feared the intrusion into state rights wanted to protect the integrity of the carefully crafted clauses controlling the militia.<sup>40</sup>

### ***The Militia Act of 1792***

Congress responded to Washington’s initiative by enacting the Militia Act of 1792 required all free, able-bodied males between the ages of 18-45 to serve in the enrolled militia. They were to provide their own weapons and equipment. Federal and

---

<sup>39</sup> Kohn, 123-135.

<sup>40</sup> Doubler, 66-69.

State-elected officials, postmen, sailors and other skilled craftsmen were exempted from service. While the legislation attempted some standardization of units, it also stipulated “if convenient” which meant the States need not comply. Congress provided no funding or penalties for non-compliance. Viewed as a victory for Republicans as protecting State control over its militia force, the act simply was poorly written and failed to meet the objectives that Washington and Knox were out to achieve.<sup>41</sup>

Quickly following the Militia Act of 1792, the “Calling Forth Act” was passed to clarify the power of Congress to mobilize the militia. This act delegated some of Congress’ power to call forth the militia to the President. He would be authorized to mobilize as many militiamen from as many States as necessary whenever the U.S. was invaded or threat of invasion was imminent. In similar fashion, he could use the militia to put down insurrections; but, only after the Governor or Legislature from the affected State requested federal assistance. The use of the militia for law enforcement was only after an associate or district judge determined that local civilian authorities were unable or unwilling to maintain order. Another significant aspect of the legislation is that it provided for penalties for non-compliance. While militiamen called up under this authority were to be paid the same as Regulars; they were also subject to the same kinds of punitive measures. Many of these provisions are currently still in place.<sup>42</sup>

### ***The “Essential Pillar”***

Jefferson sought to repeal what he felt was an over-expansive central government. This, coupled with the fact he was the former Governor of Virginia, made him a strong

---

<sup>41</sup> Ibid.

<sup>42</sup> Kohn, 127-133.

supporter of the militia. Early in his administration, he identified two tenets of his military policy—1) civilian supremacy over military authority; and 2) a well disciplined militia. He believed the Guard would be the strongest deterrent to war and effective enough to defend against any enemy until a sufficient army could be raised, if needed, to relieve them.<sup>43</sup>

While he tried to maintain a firm hold on his Republican ideals, stark realities began to challenge many of his assertions. The administration and members of Congress were concerned about persistent conflicts with the British on the Canadian border and high seas, along with disputes and skirmishes with Indians. Jefferson would support developing a strong Navy and a small Regular Army. The Navy would be designed to defeat enemy fleets and prevent enemy flotillas from approaching the coastline. Additionally, a substantial fleet of small gunboats and masonry forts were built to protect key harbors. If these two deterrents did not prevent an enemy from reaching the shores, the Navy and fortifications would allow enough time for the militia to mobilize and reinforce the Regular Army. Jefferson wanted to reduce the Army, but also ensure the Regulars that remained espoused Republican values. He took advantage of the reduction in troop numbers to eliminate any officers he felt were federalist.<sup>44</sup>

Due to Jefferson's avid assertion that the militia was "an essential pillar" of national defense, the War Department was prompted to appraise the readiness of militia units. What they discovered was that the States failed to comply with War Department annual reporting requirements. When an assessment was finally achieved, the War

---

<sup>43</sup> John K. Mahon, *The American Militia: Decade of Decision, 1789-1800* (Gainesville, FL: University of Florida Press, 1960), 22-46.

<sup>44</sup> Mahon, 28-46.

Department found that 525,000 were enrolled in the militia. This was considered enough manpower to build up the army if needed; however, they still were disorganized and deemed incompatible with Regular Army unit formations. Although some States had started purchasing weapons, most units were ill-equipped. Jefferson would push for militia reforms; but, his own party would either deny his request or water-down any authorities that were perceived to change the States' control of their militia. He finally got Congress to allocate \$200,000 annually to purchase muskets for the militia. Although President Jefferson would refine the national defense policy to prioritize the militia, arguably his greatest contribution to reform was providing the militia with 13,000 muskets a year.<sup>45</sup>

### *The War of 1812*

The national defense policy would not have long to wait before it would be tested. The continuous British support of Indian attacks in the Northwest Territory on settlers and impressments of American mariners into the British Navy angered Americans. When diplomatic and economic pressures failed to produce any results, Congress declared war on Great Britain on June 18, 1812.<sup>46</sup>

The militia's involvement would expose several weaknesses to the defense strategy. First, several of the Northern Governors disagreed with the Declaration of War. Their economies relied heavily on trade with England. They maintained that Britain had not invaded and there was no compelling reason to call forth the militia for an insurrection or enforce federal laws. By refusing to mobilize their militias, some of the

---

<sup>45</sup> Doubler, 80-82.

<sup>46</sup> Doubler, 82.

Nation's best, they derailed much of the Nation's capability to carry out an offensive against the British in Canada. In two instances, New York militia failed to respond in sufficient numbers to defend their own cities from British raids into Buffalo and Plattsburgh. In at least six occasions, Ohio and New York militias refused to attack into Canada. In other instances, unwillingness to cooperate and petty jealousies prevented effective integration of Regulars and militia. To this day, the debate over "assured access" to the reserve component continues.<sup>47</sup>

Since Regulars were responsible for official reports back to Washington, the militia was often blamed for every defeat no matter what the cause. BG Peter Porter of the New York militia accused Regular officers of taking complete credit for every victory and blaming the militia for every defeat. Ironically, *both* the Regulars and the militia units had poor leadership at the initiation of the war. Each had similar methods for promoting or assigning officers for familial ties and politics, than with merit or abilities. In most cases where militia units were ineffective, poor leadership was the primary cause. When the militia had competent leadership, they performed exceptionally. They found their leaders in William Henry Harrison who led an expedition to crush the British and Indian allies in Ontario and Andrew Jackson who delivered a staggering defeat to the British at the Battle of New Orleans. Although that battle was fought two weeks after the Treaty of Ghent was signed, it left an indelible image of a lopsided victory to the end of the war.<sup>48</sup>

While the contributions of the militia were significant, the legacy of the war was the failure of militia units to be mobilized due to the politics of unsupportive Governors

---

<sup>47</sup> Mahon, 49-56.

<sup>48</sup> Doubler, 82-86.

and the unwillingness of some militia leaders to cross international borders to fight. These issues lingered beyond the war and demonstrated the flaws of the Militia Act of 1792 and the Calling Forth Act. Militia units suffered other humiliations during the war as well. The loss at Bladensburg, Maryland led directly to the British capturing Washington, D.C. Militia units were mocked for running away by Regulars calling the battle the Bladensburg Races. Many would use the lessons learned from the war to offer various proposals to reform the militia and modify the national defense policy; however, the results would be fruitless.<sup>49</sup>

In the wake of the war, once again Congress would set about to slash the forces to reduce costs. Although they wanted to go further, President Monroe was able to keep 10,000 as his Regular Army end strength. He appointed John C. Calhoun as the Secretary of War who set about reorganizing the war department into functional bureaus and divisions such as quartermaster, medical, ordinance and inspector general. The bureaus were designed to be more efficient and deliver cost saving; but, only created fissures between field commanders and the newly redesigned general staff. This theme would begin repeating itself throughout American military history. After termination of a conflict, the military would be slashed for “cost-savings” and “efficiencies.”<sup>50</sup>

### ***Calhoun's Expandable Army Plan***

Calhoun believed that the model for the Army's future was more like Hancock's victory at Chippewa than Jackson's at New Orleans. He felt that the militia was too unreliable for the reasons discovered during the War of 1812. He also realized that

---

<sup>49</sup> Ibid.

<sup>50</sup> Mahon, 55-58.

leadership was the key to success for both the Regulars and the militia. He developed a plan to make the Army expandable by maintaining a cadre of leadership for each regiment. The units would stay in place along with company and staff leadership. Only the enlisted members would be reduced. This would allow for continued development of leadership and the maintenance of their competencies for a crisis and allow for the rapid expansion if necessary for wartime emergencies. His proposal would have a peacetime Army of 6,316 that could be expanded to 11,558 in the event of war. This would eradicate the “confusion and disorder” that accompanied reliance on the militia.<sup>51</sup>

Congress rejected his plan outright. They were not trusting nor in favor of “top-heavy” cadre units. They disagreed with his evaluation of the militia and wanted to maintain its preeminence in defense policy. While Calhoun’s plan failed to be enacted, it was important because it was the first time a national defense plan was put forth without the militia as a primary participant. More importantly, Regulars began to view themselves as the focus for future war planning and not include or cooperate with militia leaders.<sup>52</sup>

---

<sup>51</sup> Ibid.

<sup>52</sup> Doubler, 86-87.

## CHAPTER 2: The Rise of the National Guard

### **The Volunteer Militia**

#### The Demise of the Enrolled Militia

##### *Manifest Destiny*

As America continued to grow in the 19<sup>th</sup> century, the enrolled militia began to decline. Jackson's one-sided defeat of the British seemed to cement the belief that European powers were not going to be able to threaten invasion, the Indian threat had diminished significantly and westward expansion provided new opportunities for all classes of peoples. Immigration and high birth rates provided for an ever-growing number of enrollees for the militia; but, the States could neither support them nor equip them if necessary. States expanded exemptions from service for a myriad of reasons. Business and industry leaders argued for exemptions to service because they were too important to be distracted. They also thought musters or camps were costing them too much money when they had to lose workers for those days. Musters devolved into little or no training value and eventually were degraded to little more than social occurrences of drinking and card playing. Many of these same prejudiced views continue today. Society's view of the militia was that it was a waste of time, money and worse—it was corruptive. While elites could buy their way out of service or do "special service" in lieu of enlistments, the poor would face fines for not showing for muster. Failure to pay the fines could actually lead to incarceration which was all too common.<sup>1</sup>

---

<sup>1</sup> William H. Riker, *Soldiers of the States* (New York: Arno Press, 1979) 22-35.

Throughout the remaining first half of the 19<sup>th</sup> century, reform initiatives were studied, proposed and rejected. It seemed destined that the militia that had fired the first shot in the American Revolution had fired its last. As more and more either failed to enroll in the militia or failed to show for musters, the militia began to disintegrate. Because of the perceived and real unfairness for how service was exempted, fines imposed and incarceration for those unable to pay the fines, public support for the militia fell to an all-time low. Slowly and steadily, beginning with Delaware in 1831 and ending with New Hampshire in 1851, all the States repealed compulsory service in the militia. The era of the enrolled militia was over.<sup>2</sup>

### *Volunteer Companies*

To replace the enrolled militia, the States expanded a system already employed. Since the chartering of the first militia regiments in Massachusetts, volunteer companies had been used to fill units that served in both ceremonial and combat roles. Each State had provisions for these types of units. While they were a fraction of the overall number in the militia, they rarely had a problem filling their ranks with quality men. Volunteer companies strove to separate themselves from the enrolled militia by setting higher standards and keeping their membership selective. Membership for these companies was of societal importance as well as a method of service. Most of the members were of similar backgrounds, tradecraft and most commonly—ethnicity. Many immigrants seized the opportunity to join the volunteer companies as a way of showing loyalty and

---

<sup>2</sup> Riker, 22-40.

patriotism to their newly adopted homeland. The ability to join a group of similar ethnicity made that service even more advantageous, and *esprit de corps* flourished.<sup>3</sup>

Volunteer companies had strict entry requirements. To join, a nominee would have to be sponsored by an existing member. Membership was granted usually by election of the company in accordance with its chartered by-laws. Members had to buy their own uniforms and the wearing of the uniform was according to the companies by laws as well. These companies' distinct uniforms ranged from the practical gray uniforms of the Mechanic Phalanx of Lowell, Massachusetts to the Pioneer Rifles of Rochester, New York with their tall beaver hats, green swallowtail coats with large cuffs and white pants. These companies were present at any important civic parade or celebration of the day. While uniforms demonstrated their separation from the Regular Army, these ceremonies displayed their real connections with the community. Often these units functioned in philanthropic capacity to assist orphanages or destitute families in the area. If a member died unexpectedly, member of the company would ensure that the surviving widow and children were provisioned. Their reputations and prestige laid the foundation for political gains in future years.<sup>4</sup>

While these units were ornate, they were also functional. On numerous occasions, these units were called out to assist in law enforcement actions. In the South, they conducted slave patrols and put down slave riots. The New York City Astor Place Riot of 1849 was put down by the 7<sup>th</sup> New York Regiment made up exclusively of

---

<sup>3</sup> Doubler, 90-94.

<sup>4</sup> Ibid, 93-95.

volunteer companies. Volunteer companies would provide the backbone for the building of the new militia.<sup>5</sup>

As America began to expand westward following the Louisiana Purchase, the concept of “Manifest Destiny” propagated the belief that the U.S. should be a continental power from the Atlantic to the Pacific. This coupled with the admittance of Texas into the Union, created tensions with Mexico. For the first time, the U.S. would be fighting a war completely on foreign soil. While Regulars and the militia had fought alongside of each other in every previous war, President Polk was hesitant about using the militia.<sup>6</sup>

With memories of the militiamen refusing to cross the border into Canada and Governors denying the federal government the use of their militias, he devised an alternative plan to raise forces for the war. He implemented a levy on the States to provide Volunteer Regiments. Similar to the Continental Line units of the Revolutionary War, these units would be raised by the States, elect their own leaders and the States would appoint senior officers up to the rank of colonel. Just like the Continental Line units, the majority of the leadership would be formed from existing militia leaders. In many cases, junior militia leaders were given their next rank and told they could keep it if they recruited the requisite quota to support their new position. While this was a common occurrence, the effect was similar to that of the Revolutionary War. The militia lost some of its best leaders to the Regulars or the new Volunteer Regiments. Most of the Volunteer Regiments were in reality militia units with an enlarged recruitment. When the war ended, the Volunteer Regiments were disbanded and most citizen-soldiers happily

---

<sup>5</sup> Doubler, 96.

<sup>6</sup> Jim D. Hill, *The Minute Man in Peace and War: A History of the National Guard* (Harrisburg, PA: Stackpole Books, 1964), 15-24.

went back to their civilian life. This would become the new model for the Regular Army and future defense planning. The Army would use a system of rapid enrollment of volunteers versus the militia as a primary means of adding formations for war in the future planning.<sup>7</sup>

## Civil War and Reconstruction

### *The Emergence of the Regular Army*

As the U.S. careened toward civil war, the militia continued to play a vital role in military matters. The attack at Harper's Ferry by abolitionist John Brown had created a sense of inevitability about war. It seemed only a matter of time until the conflict over slavery and State's rights became violent. With the election of President Lincoln and the subsequent secession of Southern States, the South would immediately employ their volunteer militia companies to seize federal assets within their borders. With no current standing army, the Confederate States of America would have to rely on their militias until an army could be raised. As with the Revolutionary War, the new government turned to its militia to provide the initial force and leadership and a new Congress would be formed to build a Confederate Army.<sup>8</sup>

Ironically, the Confederates would have to employ a "national" conscription law to field forces necessary to withstand the Union Army. The conscripts accounted for approximately 20 percent of the soldiers that served in the South. The Confederate Army was largely a grouping of various State volunteer regiments, formed basically from an expansion of the volunteer militia companies. These organizations were bolstered by the

---

<sup>7</sup> Doubler, 96-99.

<sup>8</sup> James M. McPherson, *Ordeal by Fire: The Civil War and Reconstruction* (New York: Alfred A. Knopf, 1982), 135-58.

multitudes of gifted leaders and soldiers that refused to serve in the Regular Army as it prepared to invade the South. Most notably of these was Robert E. Lee. He resigned his commission and returned to his home state to develop the Army of Northern Virginia. Though the South had many capable leaders in its militia, most of its senior commanders would come from officers leaving the Regulars to return and defend their homeland. Militia and volunteer regiments were seamlessly integrated and militia officers and their Regular counterparts worked well together with few problems. The South utilized a form of Henry Knox's plan by conscripting all males from 18-35 for three-year terms followed by mandatory renewal if necessary. Older aged males were utilized for internal and coastal defense under the militia. They were also largely responsible for rounding up runaway slaves, deserters and enforcing law.<sup>9</sup>

The northern militia units had similar utilization. They too were responsible for coastal defense, internal security, guarding prisoners and about any other task that could be given them to free up Regulars for the war effort. The North also utilized the volunteer regiments as they had during the Mexican War. While the North had a far greater population and did employ drafts to meet State quotas, only six percent of the army was conscripts. The conscription laws were largely based on militia laws of the past. Just like in the past, exemptions and substitutions could be made. Many "volunteers" were paid substitutes. Militias were often used to deliver the initial training to recruits. The Union used militia units as whole or part of other formations. At the outbreak of hostilities, the first units sent to "guard" the "national" Capital were militia units. Many of these units were being referred to as "National Guard" units. In 1861,

---

<sup>9</sup> McPherson, 137-160.

Connecticut became the first to officially recognize their militia as National Guard. The following year, the Empire State officially designated its militia forces as “The National Guard of the State of New York.” Pennsylvania and Ohio would follow suit. Many of their uniforms had NG prominently displayed.<sup>10</sup>

With the massive number of units raised to support the war, it is impossible to tell where the militia began and ended; however, there were notable exceptions. The “Fighting 69<sup>th</sup>” was an entirely militia regiment from New York City and was a part of the famed Irish Brigade. Even Robert E. Lee referred to them as the Fighting 69<sup>th</sup> and respected their valor immensely. Unlike the South, the Union Army suffered from petty politics and rivalries between senior officers. Many officers received prominent positions due to influential and political connections, while others received special consideration because they were alumni of West Point. While the Army of the Potomac suffered from revolving leadership, the allocation of forces and officer positions became cliquish and were perceived to be aloof toward citizen-soldiers. One of the most capable commanders in the Union Army was John A. “Black Jack” Logan. On three occasions, he was bypassed for promotion by Regulars only to replace them soon afterward. When he finally ascended to command of the Army of Tennessee after McPherson was killed, Sherman refused to make the promotion permanent opting for another West Point graduate, Oliver O. Howard. The decision did not sit well with Logan and after the war he became a major critic of the Regular Army and how it selected and promoted its senior leaders.<sup>11</sup>

---

<sup>10</sup> Doubler, 99-103.

<sup>11</sup> Jonathan A. Logan, *The Volunteer Soldier of America* (Chicago and New York: R.S. Peale and Company, 1887), 31-38.

## ***Reconstruction***

Because of the nature and intensity of the Civil War, the consumption of manpower was staggering. After the South's defeat and given the overwhelming number of fatalities and casualties, soldiers were eager to put the war and military service behind them. Volunteer Regiments began to disband and disappear. Militia units demobilized and States eager to trim budgets gladly reduced the militia from any taxpayer support. Most felt that the Regulars could handle the reconstruction of the South. Adjutant Generals in the North found themselves responsible for veteran affairs and that duty took more time and attention than recruiting and training the militia.<sup>12</sup>

In the South, militia units were disbanded in accordance with the surrender terms. Once the States were readmitted, they were free to reestablish their militias which they did with great eagerness. The southern militias were used to enforce "Black Codes" to maintain the standing societal norms. As a result, Congress passed legislation negating the codes and took away the States right to form a militia. As the advent of white terrorist groups like the Ku Klux Klan began to plague reconstruction and civil rights efforts, Congress reauthorized State militias as long as they swore loyalty to the Union. All black militia units sprang up throughout the South.<sup>13</sup> The Regular Army had already established four all black units commanded by white officers. The primary difference with the militia units is that the soldiers were free to elect their own officers. Many of the first African-Americans to rise to senior ranks did so in the South through the militia. In 1870, MG Robert B. Elliott of South Carolina became the first black Adjutant General of a State. The Regular Army would not have an African-American General until October

---

<sup>12</sup> Doubler, 106-10.

<sup>13</sup> McPherson, 545-55.

of 1940, BG Benjamin O. Davis. In contrast, Elliott would achieve his rank seven years before Davis was born.<sup>14</sup>

By some accounts, roughly one-third of the States had a semblance of an organized militia. The volunteer companies that wove many communities together before the war were now painful reminders of lost loved-ones. Military age men had their fill of military service and large numbers migrated west or south. The volunteer militia had only 90,865 members nationwide and ten out of 37 States reported no militia organizations at all by 1875. While some of the volunteer companies carried on out of a sense of community and tradition, the majority of the units formed in the early 1800's were fading memories.<sup>15</sup>

### ***The Great Railroad Strike of 1877***

The resurgence of the militia would not come from a growing threat of war or political outcry but from an unlikely source—labor disputes. In 1877, due to many European bank failings, many American investors lost massive amounts of monies. These were the funds raised by stockholders that purchased the promise of owning railroads. While the investors were shocked to find the some of the railroad companies had lost their investments by storing the funds in insolvent banks, the workers who were not being paid after months of labor began revolting. Riots took place in over two-thirds of the States. Many were bloody and included massive property damage. Looting was widespread and robberies occurred, covered by the ensuing confusion.<sup>16</sup> Governors began to call up their militias with varying degrees of effect. In some cases, the militia

---

<sup>14</sup> Doubler, 111.

<sup>15</sup> Cooper, 21-31.

<sup>16</sup> McPherson, 586-88.

sympathized with the strikers. In others, they were not able to stem the tide of violence and Regulars had to be used to break up violent strikes. In some areas, the militia was extremely effective and pacified angry mobs with “grapeshot and canister.” The strikes turned the attention of policy-makers back toward the militia.<sup>17</sup>

### ***Strikebreakers***

The militia found a new mission as that of “strikebreakers.” Labor organizations regarded the Guard as an evil tool of the “robber barons.” They resented the heavy-handed tactics and prohibited their members joining the militia. Slowly, militia units began to return. Politicians and business leaders were eager to support a resurgent militia and Guard leaders gladly promoted their units as strikebreakers. Guard units were often financed by industries that were all too happy to provide storage space for weapons and floor space for necessary musters. Business groups were eager to purchase cannons and horses for their local fighters. This way, the money spent was staying local and providing security where it was needed instead of supporting the Regular Army.<sup>18</sup>

### ***The Posse Comitatus Act of 1878***

Another result of the Great Railroad Strike and Civil War Reconstruction was the passage of the Posse Comitatus Act of 1878. The new law prohibited the common practice of U.S. Marshalls or judges ordering Army units to enforce laws. The Army could only assist civil authorities when ordered to do so by the President. Governors would retain the use of their respective National Guard units to serve as they deemed

---

<sup>17</sup> Mahon, 53-54.

<sup>18</sup> Hill, 320-28.

necessary during a state emergency. This law still serves as landmark legislation for the use of Regular Army and National Guard forces within the U.S. to this day.<sup>19</sup>

## **The Legislative Battle**

### Quest for Reforms

#### ***The Influence of Upton***

MG Emory Upton was a Union General during the Civil War; however, he was more notably remembered for his outspoken reform-minded writings after the war. While he wrote prolifically about Cavalry, Infantry and Artillery tactics, he also had other suggestions about national defense. He proposed developing a professionalized general staff based on the German model and believed in expanding the Regular Army. More importantly, Upton believed the militia was a waste of resources. He recommended the militia be utilized as a resource pool for personnel that the Regular Army could pull from as needed. Any militia unit that was not used to fill Regular Army ranks would be kept for local missions such law enforcement or guard duty. He highlighted historical failings of militia units in battles such as Bladensburg and Bull Run. He neglected to mention such victories as Bunker Hill, Cowpens, Saratoga, New Orleans and Bennington. While he lectured prominently for Regular Army issues, his writings would not become widely read until after his death and only after the Spanish-American War.<sup>20</sup>

When Upton's writings were brought to the attention of Secretary of War Elihu Root, he had them printed and widely distributed for professional readings. While Root was far more interested in teaching the Regular Army what Upton was writing about

---

<sup>19</sup> Doubler, 112-13.

<sup>20</sup> Emory Upton, *The Military Policy of the United States* (Washington, DC: U.S. War Department, 1907), iv-xv.

developing force structure, organizing troops, the professional general staff and his teachings about tactics from around the world, Upton's disdain of the Citizen-Soldier and the partisan politics of various states that influenced promotions was unduly assimilated into the Regular Army officer corps. Officers that proclaimed this view and acted aloof toward state militia officers were actually called "Uptonians."<sup>21</sup>

One of Upton's views was that it was essential for the Army to have a well trained and organized reserve. The reserves should be activated periodically to train with the professional army to maintain standards and develop capability. The militia unit roles during the Spanish-American war made them very popular with the American people. The forces that seized the Philippines and Puerto Rico were predominantly militia units. As with previous wars, many states had established Volunteer Regiments made up from the militia and sent off to fight as Regular Army Regiments. The difference with this war was that when they returned, they did not disband entirely as they had in previous practice. A large number of these Regiments simply went from being an army unit to a state National Guard Regiment. They maintained a high number of veteran officers and pressed for greater roles. This coupled with Secretary of War Root's campaign to expand the Army provided Guard reformers the opportunity to press for favorable legislation.<sup>22</sup>

### ***The National Guard Association***

As further reform initiatives were being developed by Congress, it was clear that the National Guard was incapable of effectively representing itself. While almost every State had a National Guard or Militia Association, there was not one at the national level.

---

<sup>21</sup> Doubler, 139-141.

<sup>22</sup> Hill, 180-186.

In 1878, at the initiation of ex-Confederate, MG Dabney Maury, a meeting was convened for the purpose of organizing militia leaders and forming a national organization that could discuss and develop positions on policy affecting the militia. It would also become a forum for developing initiatives that these leaders would support for proposed legislation.<sup>23</sup> One year later, the National Guard Association (NGA) held its first annual convention. Among its major items to discuss was an increase to the annual appropriation for the purchases of weapons. The original appropriation was \$200,000 a year for muskets during the Jefferson Administration. That said, after 70 years and three major wars, the appropriation was still \$200,000 annually. Most convention members believed the reform of the National Guard was necessary and specific recommendations remained similar to many from previous decades.<sup>24</sup>

Members that traveled to Washington to lobby Congress for the new weapons appropriations were sorely disappointed. The majority of Congressional members were either apathetic, anti-military or state-rights advocates that did not want any federal entanglements in state affairs. Additionally, Regular Army representatives actively campaigned against the initiative. As is still the case, the Regulars wanted to replace their older weapons with modern inventory. They lobbied for new arms purchases for them and willingly offered to transfer their aged weapons to the militia. This would begin a new precedent of supplying the National Guard with outdated and used equipment. Eventually, the NGA was able to generate enough support to double the

---

<sup>23</sup> Derthick, Martha, *The National Guard in Politics* (Cambridge, MA: Harvard University Press, 1965), 21-22.

<sup>24</sup> Cooper, 105-10.

appropriation to \$400,000. While the relationship between the Regular Army and the militia had often been contentious; now, it would become political.<sup>25</sup>

As the western expansion completed and the need for Army units to suppress Indian attacks diminished, the Regular Army sought a new mission. Many of its visionary leaders prophetically foresaw involvement in future European conflicts. They sought to fashion the Army similar to those of European powers with professional general staffs and a dedicated, large, organized and trained reserve. The National Guard was likewise eager to distance itself from the reputation as strikebreakers. They looked to solidify their position formally as the reserve for the Regular Army. States sought to purchase the same uniforms as the Regular Army and Guard leaders used this to bolster the perception of service as a reserve corps.<sup>26</sup>

Guard leaders focused on forming regiments in lieu of the separate companies of the volunteer militia era. Most states reorganized from the enrolled militia districts to a divisional system. Pennsylvania led the way organizing the first combat division in peacetime. It would become the 28th Infantry Division, the oldest division in the Army. At the request of the NGA, Regular Army officers were sought to advise States in the manner of training and organizing Guard units. Other reforms such as spending and reorganizing the National Guard were continually debated and pressed to legislators.<sup>27</sup>

### ***The Dick Act***

The Militia Act of 1903, also known as the Dick Act, was landmark legislation of its day. The bill was sponsored by Senator Charles Dick from Ohio, a member of the

---

<sup>25</sup> Cooper, 87-95.

<sup>26</sup> Ibid.

<sup>27</sup> Doubler, 117-21.

Ohio National Guard and veteran of the Spanish-American War. He carefully crafted the act and cultivated the relationships to build a consensus bill that would pass with scarcely any opposition. The act repealed the antiquated Militia Act of 1792 and converted the volunteer militia into the National Guard. It solidified the Guards' role as the reserve for the Regular Army. Guard units would receive increased funding and equipment in return for conforming to federal standards for structuring and training. The bill recognized two forces: the organized militia (National Guard), and the Reserve Militia which was the mass of males 18-45 who would otherwise be available for military service. The act required Guardsmen to attend 24 drill periods a year and a five day summer camp. For the first time, Guardsmen would be paid for attending summer camp, though not for drill attendance. The legislation also mandated Guard units to conduct maneuvers with the Army and receive inspectors and training assistance from the Regulars. Mobilizations were capped at nine months with the mistaken belief that in this era wars would not last longer than a few months. Additionally, Guard members that did not participate in reporting for federal call-ups were subject to possible court martial.<sup>28</sup>

The Dick Act had a dramatic effect on funding for the National Guard. Federal spending on the militia and National Guard for the entire 19th Century was \$22 million. In 1900, NGA lobbied and gained an annual increase from \$400,000 to \$1 million. The Dick Act also allotted a one-time disbursement of \$2 million for the Guard. In 1906, the NGA was able to double the annual funds to \$ 2 million and two years later, they lobbied to double it again. By 1908, the National Guard had a tenfold increase in annual funds in

---

<sup>28</sup> Hill, 180-88.

as many years. By 1910, the National Guard had received more federal funding in the first ten years of the 1900s, than all of the 1800s.<sup>29</sup>

### ***The Militia Act of 1908***

Following the Dick Act, the War Department was still filled with officers skeptical of the National Guard as a credible reserve force. To Uptonian officers, the National Guard with its dual allegiance could not be relied upon for federal missions. They questioned, “what if a Governor refuses to send his militia,” as had been the case during the War of 1812. To quell their concerns, Senator Dick wrote a new legislation. The Militia Act of 1908 gave the President full authority to call out the Guard for national emergencies. Unlike the Act of 1903, it removed geographical boundaries and length of service for their employment. It also created the Division of Military Affairs (DMA), which would eventually become the National Guard Bureau (NGB).<sup>30</sup>

### ***Coastal Batteries***

While the U.S. continued to expand its territorial grasps, the necessity for coastal defense grew beyond the capabilities of the Army to manage. National Guard units were stood up to directly support these Regular Army missions. As a result, numerous units began training for artillery missions and man coastal defense batteries in varying locations. Much like the Ranger companies of the colonial era, these were primarily volunteers used for a limited duration and scope until either replaced or the requirement

---

<sup>29</sup> Doubler, 141-43.

<sup>30</sup> Mahon, 142.

was dissipated. These types of missions were considered beneficial for the Guard and the nation. The territory was protected and the readiness of the Guard was improved.<sup>31</sup>

### ***The Army Reserve***

In 1908, the Army founded the Medical Reserve Corps (MRC) for the purpose of augmenting the Army during times of war. The MRC was not subject to control by the governors like the National Guard. The MRC more than tripled the number of medical doctors that the Army could rely on in time of war in just two years. From this model, the Army instituted the Officer Reserve Corps (ORC), the Enlisted Reserve Corps (ERC) and the Reserve Officer Training Corps (ROTC). The purpose of the ORC and the ERC was to provide the Army with a group of officers and NCOs to expand the Army as necessary for war. Since the Reserve was not subject to governor's control, they were easy to access for the Army and deployable outside of the U.S. without legislative constraint. ROTC was established to provide training for college students to prepare them for service as an officer. The primary role of these Corps was to supply personnel to the Army and not necessarily to individual units.<sup>32</sup>

### ***The Continental Plan***

With the continued build up of European armies, the War Department continued its skepticism of the National Guard as a viable reserve force. Both Germany and France had armies that exceeded 1.5 million with their reserves. The American Army had only 200,000 soldiers and the majority was National Guardsmen. When it sought to bolster its number of doctors, the development of the MRC was extremely successful. Army

---

<sup>31</sup> Doubler, 150.

<sup>32</sup> Cooper, 56-58.

leaders thought that the same result would occur if they sought to build a reserve army. They envisioned a corps of trained and ready reservists that could be used to build volunteer units as in previous mobilizations.<sup>33</sup>

There were also lingering doubts as to the legality of using the National Guard as an expeditionary force. Secretary of War Henry Stimson sent an internal finding to U.S. Attorney General George Wickersham claiming the Militia Act of 1908 violated the Constitution because it authorized the use of the Guard beyond the borders. Wickersham agreed with Stimson and declared that the Guard's service overseas was unconstitutional. After replacing Secretary Stimson, Secretary of War Lindley Garrison developed the Continental Army Plan. Much of the plan followed sound logical design to develop an American Army of 121,000 Regulars and 379,000 Reservist. The Militia Acts of 1903 and 1908 were to be repealed. Within weeks of unveiling it, he resigned in protest when President Wilson publically denounced the plan.<sup>34</sup>

## The Modern National Guard

### *Training as they Fight*

In the years prior to World War I, militia reforms greatly improved readiness. The Dick Act mandated summer training camps attended by both Regular Army and National Guard. These camps proved instrumental in raising the abilities of the Guard and the understanding of the Regulars. The shared experience aided Guard leaders understanding of modern logistical problems and gained a greater experience for tactics.<sup>35</sup> While the leaders of the National Guard and the Regular Army were in Washington

---

<sup>33</sup> Hill, 205-7.

<sup>34</sup> Doubler, 154-56.

<sup>35</sup> Cooper, 109-111.

battling over legislation, the leaders in the field were developing mutual understanding and trust that would prove beneficial on upcoming battlefields. The Army opened its staff schools and War College to the National Guard, though the results were not always good.<sup>36</sup> The most profitable learning was done at local posts where Guard leaders formed relationships and worked closely with various commands. At the end of World War I, it was discovered that there were eight divisions that the Germans regarded as the best the fighting forces allies had—six of the eight were from the National Guard.<sup>37</sup>

### ***The Defense Act of 1916***

As a result of the backlash over the Continental Army Plan, Congressman James Hay set out to pass comprehensive legislation to address the composition of the Army. Hay felt that Garrison's plan subverted the framers intent of a dual-military structure and gave too much military power to the federal government. He advocated for a Regular Army strength of 175,000 and wartime strength of 276,000. The National Guard would comprise the Army's principle reserve force with maximum end strength of 435,800 (800 men per Congressional District). It also formalized the ORC, ERC and ROTC to provide a pool of trained leaders for the expansion of the Army in wartime.<sup>38</sup>

### ***The Influence of Palmer***

If Upton was considered a foe of the National Guard, then it had no better friend than John McAuley Palmer. Palmer was the grandson of MG John McAuley Palmer who rose through the ranks as a citizen-soldier to command a Union corps in the Western

---

<sup>36</sup> Doubler, 146-49

<sup>37</sup> Ibid, 183-84.

<sup>38</sup> Doubler, 156-59.

Theater of the Civil War. MG Palmer was very critical of the “professional” officers of the Regular Army and feared that they would form an elitist caste of officers. The younger Palmer was balanced by his upbringing and benefited by the Root reforms. He had many experiences with the National Guard during summer maneuvers, first in 1909 and then many other training exercises. In the following years, he gained a favorable impression of the leaders of the Guard and especially of its commanders.<sup>39</sup>

He proposed building on the traditions of the Citizen-Soldier and developing various units within states that could be utilized by the governors and ready to support a war effort if called upon. While Upton was dismissive of Guard leaders and sought to replace them with a “competent reserve officer,” Palmer sought methods to improve Guard leadership and training. Palmer understood the inherent strengths of a community based force of soldiers that were more than comrades-in-arms—they were neighbors.<sup>40</sup>

### ***Reorganizing and Remissioning***

Prior to World War I, the National Guard was predominantly composed of infantry units. These were the simplest for states to organize, easiest to adapt and the cheapest to fund. After the war, a surplus of equipment was available leading to an increase in multi-role units. By the time World War II began, the National Guard was organized almost identically to Regular Army. As the Army progressed with standardized organizations, the National Guard followed suit.<sup>41</sup>

---

<sup>39</sup> Jonathan M. House, *John McAuley Palmer and the Reserve Components, Chapter 2: Guard and Reserve in the Total Force* (Washington, DC: NDU Press, 1985), 29-39.

<sup>40</sup> House 29-39.

<sup>41</sup> Doubler, 152-153.

The National Security Act of 1947 reorganized the National Defense structure. A newly created position of Secretary of Defense was established along with three other departments--the Department of the Army, the Department of the Navy and the new Department of the Air Force. With the establishment of the Air Force, the Air National Guard was formed as well.<sup>42</sup> Both the Air National Guard and the Army National Guard would form part of the NGB under the direction of the CNGB. The CNGB was to function as a conduit for the states and the Department of Defense, as it does so to this day.<sup>43</sup>

While the Cold War flashed in Korea and Vietnam, the National Guard was busy supporting both the war effort abroad and civil authorities at home. The National Guard was often in the forefront of integration of schools. When the Ku Klux Klan (KKK) threatened violence in Clinton, Tennessee outside an elementary school, the governor responded with a Guard tank company. The impressive show of force overwhelmed the KKK and quickly quelled the dispute. In 1957, the Governor of Arkansas famously called out the Guard to prevent integration. On September 2, 1957, the Arkansas National Guard was mobilized to Central High School in Little Rock where Governor Faubus blocked the doors preventing black students from attending. Twenty-two days later, President Eisenhower federalized the Arkansas National Guard effectively taking the force out of the Governor's control. The same troops that blocked the doors on the 24<sup>th</sup> cleared the way on the 25<sup>th</sup>.<sup>44</sup>

---

<sup>42</sup> Gross, Charles J., *Prelude to the Total Force: The Air National Guard 1945-1969* (Washington, DC: U.S. Air Force, Office of Air Force History, 1985), 1-3.

<sup>43</sup> Doubler, 227-29.

<sup>44</sup> *Ibid.*, 245-48.

## Cold War

### *Strategic Reserve*

During the Cold War, the National Guard began to train on newer technologies. The development of nuclear missiles made the role of the “strategic reserve” even more crucial. They were the follow-on forces that would be mobilized to defend or free Western Europe following a Soviet invasion. It was even conceivable that the National Guard would be the homeland defense force should nuclear war occur and the majority of the active component was attrited. Through the decades of the Cold War, the National Guard went through cycles of restructuring and reorganizing. Unfortunately, it did not always have a positive effect. Often units would receive some modern equipment, but not necessarily the training for it. In some instances, their support personnel to maintain it were not trained or equipped. While these were often times growing pains, the Guard learned valuable lessons and was able to overcome many of these obstacles.<sup>45</sup>

### *The All-Volunteer Force*

In the aftermath of the Vietnam War, the already unpopular draft was legislated out of existence. The National Guard had long since abandoned its recruiting program relying on the draft to fill the ranks. The populace suffered from war weariness and military service was out of favor. As the number of Guard recruits dwindled, the National Guard began to reestablish its recruiting force. Because the Adjutant Generals of each State are responsible for the personnel strength in their units, the National Guard is the only reserve component with a specific recruiting force.<sup>46</sup>

---

<sup>45</sup> Doubler, 227-31.

<sup>46</sup> Ibid, 273-75.

### ***The Abrams Doctrine***

A major criticism many Generals had for the conduct of the Vietnam War was the failure to mobilize the Reserve Component. The decision was made by political leaders not to involve them because active forces were considered sufficient to conduct a low-intensity conflict. Some alleged that Pentagon leaders used the war to build troop strength and grow programs. Army Chief of Staff General Creighton Abrams believed that by not utilizing the Reserves, the Army became isolated from public support. He initiated a policy to integrate the components in such a fashion that the Armed Forces could never again be deployed for war without substantial mobilization of the reserves. He believed this would not only galvanize public support—it became a forcing function to pressure political leaders.<sup>47</sup>

### ***The Perpich Lawsuit***

In 1983, the Army National Guard began to participate in training and humanitarian exercises in Central America. Primarily focused in Panama, the Guard deployed engineer units assisting other active component units and Panamanian forces to build roads in the interior of the nation. The scope of these operations began to expand including school buildings, medical facilities and other infrastructure. Additionally, the National Guard began to conduct medical assistance in Ecuador and Honduras. The purpose of these exercises was to support U.S. Southern Command's theater plans to prevent the spread of communist regimes in Central America.<sup>48</sup>

---

<sup>47</sup> Lewis Sorley, *Thunderbolt: General Creighton Abrams and the Army of His Times* (Washington, DC: First Brassey Edition, 1998) page 360-368.

<sup>48</sup> Doubler, 295-97.

While considered successful operations, political opponents of the Reagan Administration saw this use of the military as a veiled threat to our southern neighbors. They sought to prevent the use of the National Guard for exercises outside the U.S. or as part of a campaign against the Sandinistas in Nicaragua. Congressman Sonny Montgomery attached an amendment to the 1986 National Defense Authorization Act that stipulated National Guard troops could be deployed for training without the consent of the Governor. It specifically stipulated that the Guard could not be withheld “because of any objection to location, purpose, type or schedule of such active duty.” The Governor of Minnesota along with six other governors sued in Federal Court over the Constitutionality of the Montgomery Amendment. The case was decided by the U.S. Supreme Court in 1990. It upheld the amendment as written; however, it ruled that the governors could with-hold Guard forces for training, if needed for a local emergency.<sup>49</sup>

#### Post-Cold War

##### ***Tiered Readiness***

Following the collapse of the Berlin wall, both the Army and Air Force reduced force structure considerably. The Guard followed suit. In an effort to save money for remaining forces on active duty, a policy of “tiered readiness” was instituted. This meant that units were resourced based on how and when they would be utilized in time of war. A Tier 1 unit was fully resourced because it was an “active duty unit” with a greater likelihood of receiving a deployment order for combat. Tier 2 units would be resourced at a lesser level because it was expected that they would have time to equip and train during their mobilization. They maintained a higher degree of readiness than tier 3 to

---

<sup>49</sup> Doubler 295-99.

speed them through the mobilization process. Tier 3 units had only the basics that allowed them to do the minimum amount of training.<sup>50</sup>

While this may make sense from a resourcing perspective in peace-time, it was a disastrous failure when the Army needed to cyclically mobilize units. During Desert Shield and again after the events of September 11, 2001, both the ability and the amount of units for the war-plan required significant adjustment. In many cases, tier 3 units were called up more frequently than tier 2 and in some cases tier 1. The morale and readiness of these units suffered. The model was built on the underlying assumption that the mobilization process would be fully resourced and would be for an all out total war. It was never designed to handle incremental issuance of equipment and modernization as well as multiple, cyclical deployments.<sup>51</sup>

---

<sup>50</sup> Stephen M. Duncan, *Citizen Warriors: America's National Guard and Reserve Forces and the Politics of National Security* (Novato, CA: Presidio Press, 1997), 225-40.

<sup>51</sup> National Guard Bureau, *A Formula for Operational Capacity White Paper* (Arlington, VA: ARNG Directorate, 2011) 1-3.

## CHAPTER 3: Recommendations for the National Guard

### **The Adaptive Force**

#### Multi-purpose Force Structure

##### ***Growing Missions for the Guard***

Historically, the National Guard has proven itself to be adaptive to differing structures, missions and mobilization processes. This flexibility will be paramount for its future role serving both state and national interests. As evidenced by the FY 13 DOD budget proposal, the DOD can expect an era of dwindling resources.<sup>1</sup> That will most certainly mean significant transitions within the department and the National Guard. Likewise, state governments face budget shortfalls which may reduce first responders and other emergency response capabilities. Accordingly, the political leaders are seeking efficient means to achieve strategic ends. In the National Security Strategy, the President looks to bolster partner capacity while maintaining a force capable of winning in major combat operations.<sup>2</sup> It is this critical balance that the DOD must achieve to gain the efficiencies desired by our leadership and effectiveness to deter future conflict or win if deterrence fails.

The National Guard has a critical role in fulfilling this strategy. Secretary of Defense Gates stated:

Using the National Guard and Reserves will lower overall personnel and operating costs, better ensure the right mix and availability of equipment, provide more efficient and effective

---

<sup>1</sup> Defense Budget Priorities and Choices (Washington, DC: Office of the Secretary of Defense, 2012).

<sup>2</sup> Barack H. Obama, *The National Security Strategy* (Washington, DC: White House, 2010).

use of defense assets, and contribute to the sustainability of both the AC and RC.<sup>3</sup>

The Guard provides 35-40 percent of the operational force while consuming less than seven percent of the defense budget. At any given time, an average 63,000 Guardsmen are mobilized for Federal missions while another 5,800 are activate for domestic support. The CNGB has stated this is sustainable provided that much preparatory time is allocated as reasonably possible. It is not the reluctance of the soldier to serve as much as it is the indecision of the DOD to formulate and execute a decision. The National Guard continues to expand its capabilities and develop personnel for a variety of divergent tasks.<sup>4</sup> While there are several aspects and efficiency measures that could be discussed, this chapter will focus on two--the role of the Chief of the National Guard Bureau (CNGB) as a member of the Joint Chiefs of Staff and the National Guard in Building Partner Capacity.

### The Chief of the National Guard Bureau

#### ***NDAA 2012***

The National Defense Authorization Act of 2012 elevated the CNGB to a sitting member of the Joint Chiefs of Staff. While the provision was under debate, the Senate Armed Services Committee held hearings with the Chairman, Vice-Chairman of the Joint Chiefs, the General Counsel for DOD, each of the service chiefs and the CNGB. Under testimony, all uniformed members of the panel, with the exception of the CNGB,

---

<sup>3</sup> Robert M. Gates, *Quadrennial Defense Review Report, February 1, 2010* (Washington, DC: Office of the Secretary of Defense, 2010).

<sup>4</sup> Craig R. McKinley, *2012 National Guard Posture Statement: Adding Value to America* (Washington, DC: National Guard Bureau, 2012).

expressed opposition to the legislation centering around one major criticism—the National Guard is not a service. While the National Guard is comprised of two services and is the largest reserve force, (Army and Air Guard), the National Guard does have service-like functions. The service chiefs spoke in terms of issuing regulations, separate uniforms, managing budgets and title 10 authorities.<sup>5</sup> What was missing in their discussion of service was function. For example, the Air Force is the primary service for warfare in the air domain. Likewise, the Navy is a specific service for naval warfare. The National Guard has the primary mission to support civil-authorities.

### ***DOTMLPF***

Each service uses an appropriate method to DOTMLPF based on a specific function or service they render for the nation. Likewise, the National Guard has a specific function—support to civil authorities. Unlike the services, the National Guard has a very limited capability to create DOTMLPF solutions for their service. In most cases, units that are assigned to conduct a civil support mission are tactical units which have to task organize based on the crisis. Even with a doctrinally structured unit for any civil support, there is a substantial likelihood that the organization would still have to modify to meet the requirements at hand. The CNGB needs the capability to gather the requirements of the several states, assign force structure to balance active component requirements with state needs, develop unique force structures where necessary, expand

---

<sup>5</sup> Congress. Senate. Committee on Armed Services. *SASC Hearing on Whether the Chief of the National Guard Bureau Should be a Member of the JCS*. 112<sup>th</sup> Cong., 1st sess., November 10, 2011. [http://armed-services.senate.gov/e\\_witnesslist.cfm?id=5255](http://armed-services.senate.gov/e_witnesslist.cfm?id=5255).

material solutions when military equipment is not available and control the budget processes necessary to accomplish these taskings.<sup>6</sup>

The National Guard Bureau is identified as a member of the Joint Doctrine Development Community; however, they are a non-voting member. While the role of the National Guard Bureau has grown in its capabilities over the past decade, it has not developed doctrine writers or the process that would be required to do so. If the National Guard is to continue to grow in its service-like duties, this shortfall will have to change. It is likely that with the elevation of the CNGB to the JCS, the National Guard will become a voting member and therefore more responsibility with regards to doctrine development. NGB will certainly have to restructure personnel to meet this task. Since the NGB doctrine responsibilities will only deal with “Title 32, United States Code, or state active duty legal status,” NGB can accomplish this by developing a systematic, internal approach which trains selected personnel to write doctrine through the same training that the Army and Air Force conduct. Then, these writers can be committed with various experts that can provide subject expertise on Title 32 and state active duty. They would provide the NGB with the genesis for expanding doctrinal solutions for its civil support missions.<sup>7</sup>

The Secretary of Defense directed the implementation of Weapons of Mass Destruction-Civil Support Teams (WMD-CST) that are resident in the National Guard. These teams are comprised of both Air and Army Guardsmen and have the unique function of responding to domestic CBRNE incident sites to conduct initial assessments

---

<sup>6</sup> McKinley, 2-6

<sup>7</sup> Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 3170.01G, Joint Capabilities Integration and Development System (Washington, DC: Office of the Chairman of the Joint Chiefs of Staff, March 1, 2009).

that would either enable or safeguard emergency responders. Due to its distinctly unique requirements, most of the equipment needed is non-military. Each team has a communications suite mounted on a large civilian purchased vehicle that primary role is to bridge communications along multiple networks ensuring rapid communication capability in almost any scenario. These teams are an example of why the CNGB needs to increased authorities to develop the National Guard.<sup>8</sup>

Interestingly, the WMD-CSTs were not initially considered military formations nor were they identified on any organizational document. The systems that both the Army and Air Force use to manage personnel and equipment did not apply. Additionally, it is difficult to develop a life-cycle management for these skill sets. Some of the positions require enormous amounts of training. Once the soldier or airman has completed the required training and completed the follow on assignment, he or she is not necessarily competitive for promotion in their primary military occupational specialty (MOS) or branch. Equipment necessary for these teams is expensive and requires specialized maintenance that the teams cannot perform. Moreover, it also requires life-cycle management because it will soon become obsolete material requiring replacement. When these teams were established, no existing training programs were available. Their vehicles which had sophisticated communications equipment required special facilities for storage in accordance with security protocols. These facilities were not even in drafting stages when the teams were stood up and equipment purchased. Clearly, the problem they were developed to address did not receive a full DOTMLPF solution.

---

<sup>8</sup> Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 3125.01B, Defense Support of Civil Authorities (DSCA) for Domestic Consequence Management (CM) Operations in Response to a Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive (CBRNE) Incident, (Washington, DC: Office of the Chairman of the Joint Chiefs of Staff, August 19, 2009) B-14.

Authorizing the CNGB to generate force structures for the specific civil-support functions would help facilitate developing a more integrated response capability within the National Guard.<sup>9</sup>

### ***Homeland Defense and Homeland Security***

Homeland Defense presents some unique challenges for the National Guard and the DOD as a whole. Essentially, the National Guard has always been tasked with supporting local governance due to its proximity and control. When the Posse Comitatus Act was passed, it was to allow civil authorities to exercise civil controls. The National Guard was one of the instruments for them to utilize as necessary. Current guidance from the DOD relies heavily on the National Guard for a myriad of response functions that include: CBRNE, Counter-Drug, natural and man-made disasters, civil disturbance and humanitarian relief. While the CNGB is responsible for assisting, assessing, advising, and training, he primarily has to prevent civil response from hindering readiness of units for the Army or Air Force as needed. Since civil support functions are almost uniquely maintained within the National Guard, it seems reasonable that the CNGB be empowered for how best to prepare for threats against the homeland. This would require at least a portion of the National Guard to be focused continually on this mission versus any Army or Air Force service-specific mission. Similar to historical debates about developing force structure, some states may need a capability or a threat may necessitate a new requirement. In the WMD-CST example, these units only deploy to the states and territories. Other similar forces are under consideration for development.<sup>10</sup>

---

<sup>9</sup> McKinley, 2-8.

<sup>10</sup> Department of Defense Directive (DoDD) 3160.01. *Homeland Defense Activities Conducted by the National Guard*. August 25, 2008.

### ***The National Guard-Reserve Equipment Account***

The National Guard and Reserve Equipment Account (NGREA) has been the single biggest financial improvement for the National Guard and Reserves with respect to equipment procurement. While it only funds existing equipment programs for modernization, it is responsible for revitalizing the aging equipment of the Guard and Reserves. The Army and Air Force have often submitted budgets with funding requests specifically for Guard and Reserve equipment updates that were approved by Congress and yet never actually implemented. In some instances, funds were diverted for other programs or the equipment was purchased and distributed to active component forces and older equipment was issued to the reserve component “in lieu of” what was purchased. This has been a major point of contention with the National Guard. Much of the National Guard’s equipment is set aside as dual-use equipment. This means it is allocated against domestic emergency contingencies. By continuing to “dump” old equipment into the Guard, it created an inexcusable deficiency that impacted training, morale and readiness. Since Operations and Maintenance (O&M) budgets are set by the amount of mileage the vehicles are used, the National Guard was exhausting its limited budget trying to maintain equipment beyond its service life.<sup>11</sup>

The Commission on the National Guard and Reserves asked the Library of Congress, Federal Research Division to investigate the impact of NGREA and assess if it was still necessary. Their conclusion was scathing. They cited that the DOD failed to receive a clear audit for the past ten years. While they did not find evidence of

---

<sup>11</sup> Library of Congress, Federal Research Division, *Funding for Reserve Component Equipment: An Analysis of the Budget Process* (Washington, DC: Library of Congress, 2007).

systematic wrong doing, there was some evidence that the Army National Guard and Army Reserves did not receive the appropriate amount of new equipment that was budgeted. It further stated that the system is so muddled that a definite finding could not be ascertained. While the conclusion endorses continuing NGREA, it is their third recommendation that is most noteworthy. It reads,

...reserve component funding requests are contained in parent service budgets, making them difficult to track independently. As a result, it is all but impossible to determine the impact of funding on actual equipment procurement. In order to resolve these issues, it might make sense for each reserve component to be given independent budget authority. The associated overhead expense would seem to be justified by the improvement in transparency, accountability, and ultimately military readiness.<sup>12</sup>

By giving the CNGB Independent Budget Authority (IBA) over equipment purchases for the Guard, the National Guard would have significant capability to address future development of forces and equipment for the future.

The National Guard was founded on authorities to provide local defense for the colonies. This unique function is still applicable today. When a domestic emergency occurs, the first responders in a military uniform will almost always be a National Guardsmen. It is because of this response role that the CNGB needs to be able to develop doctrine for this uniquely Guard mission. The Army can conduct amphibious landings; but, the Marine Corps has that mission as a core task. Therefore, the Marine Corps is the primary source for amphibious assault doctrine. They would be the JCIDS Program Director for any material solution. The same should apply to the domestic function and

---

<sup>12</sup> Ibid.

the Guard. By enabling this activity, it will allow for the CNGB to develop an array of support options that can be allocated to domestic operations.

Critics of the National Guard have attempted to down play this as unnecessary. They use the same line that the CJCS used during the Senate hearing, "It is unclear to me what problem we are trying to solve."<sup>13</sup> The logic seems to be, if the National Guard does not have the ability to identify a capability gap, and then there is not a gap. Without a strong voice in the JCIDS process, the National Guard cannot demonstrate the problems. Much is said about ensuring that we have the right force for future conflicts where American soldiers, sailors, marines and airmen will be in harm's way. The National Guard wants to have the right response for the future emergencies where American citizens are under distress or attack.<sup>14</sup>

Critics also contend that the National Guard does not have the requisite skills or structure for such a task. None of the services did until they were eventually established. Additionally, the National Guard already provides input for Army and Air Force doctrine. While only a small participant, developing this capability will naturally improve the National Guard's ability to review doctrine and provide more meaningful feedback. By developing its own doctrine, it would create the need to train, retain and manage these personnel in an effective manner that produced the requisite skills. One of the best ways to do that would be for those selected personnel to take a short tour with either Army

---

<sup>13</sup> U.S. Congress. Senate. Committee on Armed Services. *SASC Hearing on Whether the Chief of the National Guard Bureau Should be a Member of the JCS*. 112<sup>th</sup> Cong., 1st sess., November 10, 2011 (testimony of Martin E. Dempsey, Chairman of the Joint Chiefs of Staff). [http://armed-services.senate.gov/e\\_witnesslist.cfm?id=5255](http://armed-services.senate.gov/e_witnesslist.cfm?id=5255).

<sup>14</sup> CJCSI 3170.01G, B-2.

TRADOC ARCIC or the AETC. This recommendation not only improves the Guard; it helps the Guard help the Army, the Air Force and the Joint Doctrine Community.

### *Developing Domestic Guard Units*

The CNGB and the states need the authority to organize functional units and headquarters for uniquely Guard missions. This would enable the Guard to generate force structure with a variety of capabilities to respond in domestic emergencies with speed and efficiency. It also enables both NGB and state leadership to “fence off” these units for training and development which would mitigate disrupting units in the mobilization process. Currently, most domestic support missions are tasked organized as the crisis develops. While each state refines this process based on their local governance and civilian capabilities, the National Guard responds with units that are organized for combat operations. By allowing the National Guard to create this type of force structure, the CNGB and the states would be empowered to develop at least a portion of their Guard units for domestic specific missions. These forces could be utilized for humanitarian missions that frequently occur and DOD has to respond. By developing National Guard forces, not only is a more capable response available for homeland disaster events; a more capable DOD response could be employed when necessary to our allies or potential partners that are in need.<sup>15</sup>

Critics to these initiatives argue correctly that this is not a DOD “core” mission. It is DOD’s mandate to fight and win the nation’s wars. It is the “what’s next” that DOD has to contend. The ability for the National Guard to develop capabilities that augment and enhance transitioning from war to peace and civilian control would be greatly

---

<sup>15</sup> McKinely, 3-8.

beneficial. Additionally, domestic emergencies can overwhelm civilian response capabilities. The continued evolution of Guard response forces only facilitates the life-saving and consequence management activities that ensue once either a man-made or natural catastrophe occur.<sup>16</sup>

### ***Joint Doctrine Development System***

The National Guard Joint Staff participates in the Joint Doctrine Development System in a limited manner. The voting membership is comprised of the CJCS, all the Combatant Commands, the J-7 and the services. Even the Coast Guard, which is no longer a member of the DOD, has membership and a vote. The National Guard is a non-voting member and can only send representatives. In many ways, this exemplifies the reason why the CNGB was elevated to the JCS.<sup>17</sup>

### ***Functional Areas for Guardsmen***

The CNGB could develop a series of Guard functional areas that could be utilized to identify, validate and catalog these civilian job skills. Additionally, he could use these skills or develop functional skills within units for domestic crises or Building Partner Capacity (BPC) with the State Partnership Program (SPP) or other initiatives. Moreover, the ability of TAGs could use this as a mechanism for rebalancing their state-force structure during transitions. For example, as the Air Guard is currently looking at major force structure cuts, TAGs could use the dual system to absorb the shock from reductions while maintaining capability and transforming to their future force structure. It would also allow the Guard to better track and then appropriately utilize civilian job skills.

---

<sup>16</sup> Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 5120.02C, Joint Doctrine Development System, (Washington, DC: Office of the Chairman of the Joint Chiefs of Staff, January 13, 2012).

<sup>17</sup> CJCSI 3170.01G, B-4.

## Building Partner Capacity

### *State Partnership Program*

After the fall of the Berlin Wall in 1989, the National Guard began a little known initiative called the State Partnership Program with former eastern-bloc nations. The program coupled these nations with various States who would send Guardsmen to advise in military matters. Exercises with National Guard units and exchanges of Officers for short durations would prove the beginning of trust and respect. With little investment, many of the relationships with various States have yielded numerous benefits for the U.S. Several nations would become partners and some even deploy troops in the Global War on Terrorism. From these modest beginnings in Europe, the program has grown to include sixty-three partner nations. The success of the SPP illustrates that the National Guard is well suited to build military-to-military rapport with partner nations.<sup>18</sup>

The 2010 Quadrennial Defense Review (QDR) identified four objectives for national security: “prevail in today’s war, prevent and deter conflict, prepare to defeat adversaries and succeed in a wide range of contingencies and preserve and enhance the All-Volunteer Force.” Prevent and deter conflict is as important and difficult as any of the four. Building Partner Capacity (BPC) seeks to prevent conflict by increasing partner nation’s ability to conduct internal security. It also has potential to assist regional stability operations by developing partner nations that will have access and capabilities that may either not be present or available in U.S. forces. U.S. allies currently lend troops and other support to assist ongoing operations. As these allies are proving invaluable now, it underscores the need of developing of future partners. The QDR

---

<sup>18</sup> National Guard Bureau, *Preventing Future Conflict: The Army National Guard and Security Cooperation White Paper* (Arlington, VA: ARNG Directorate, 2011).

states, “preventing and deterring future conflicts will likely necessitate the continued use of some elements of the Reserve Component—especially those that possess high demand skill sets—in an operational capacity well into the future.”<sup>19</sup>

The National Guard has demonstrated a proven track record for security assistance as part of the SPP and is the groundwork for the Security Cooperation Enterprise (SCE) that is currently being developed. SCE has the mandate of developing a full array of security cooperation assistance that is tailorable and scalable for varying mission sets. As the DOD forecasts more involvement in these types of “other than war” missions, the skills currently resident in the National Guard make a compelling argument for it to be the “force of first choice” for security cooperation.<sup>20</sup>

Policy makers desire strategies that prevent regional conflicts or provide partners to respond should one arise. Recently, the President outlined a new strategy that refocuses military efforts on the Pacific.<sup>21</sup> Security assistance and other military programs will likely play a large role in supporting this approach. While security assistance is clearly a function that DOD is assigned, it has not garnered the resources to fully implement most Combatant Commander’s Theater Security Campaign Plans (TSCP). The National Guard has been supplying the majority of the forces conducting the exercises that support these plans for a number of years. In fact, the Army National Guard provided approximately 63% of the troops for fiscal year 2010 that conducted regional exercises in support of GCC TSCP.<sup>22</sup> While the growth in reliance on National

---

<sup>19</sup> Gates, 23.

<sup>20</sup> National Guard Bureau, 1-4.

<sup>21</sup> Obama, 9.

<sup>22</sup> National Guard Bureau, 2-10.

Guard forces over the last decade has stemmed primarily from the lack of available active component forces, the National Guard has performed this task well and with great efficiency.

### ***Operational Mentor Liaison Teams***

The Operational Mentor Liaison Teams (OMLT) is a NATO-ISAF led enterprise intended for the professionalization of the Afghan National Army. When Croatia was asked to provide forces using this model, like many other of the SPP nations, they asked for the assistance from their State Partner. Multiple States have developed OMLTs and deployed them with their SPP counterpart to Afghanistan. Minnesota supplied an OMLT to support the Croatian Army Battalion that deployed 2010. The OSD has tasked the National Guard to develop two Military Engagement Teams (METs) for the purposes of conducting BPC in future years.<sup>23</sup>

Institutional barriers present a persistent challenge to achieving security cooperation success. Unit structures are linked to tables of organization that support combat functions and not mentoring or training capabilities. Therefore, they are recruited, filled, promoted and developed based on that primary model. A force that is more capable of dealing with the many tasks of Civil-Military operations can be developed by allowing the National Guard to develop its own DOTMLPF solutions.

---

<sup>23</sup> Thomas Keeler, "Minnesota OMLT deploys with Croatians to Afghanistan," *National Guard Magazine*, March 1, 2010. <http://www.ng.mil/news/archives/2010/03/030410-OMLT.aspx> (accessed October 10, 2011).

## CONCLUSION

Countless studies and recommendations all point to the same conclusion: the National Guard will play an important role in defending America in future years. While the discussions vary on what role the Guard will have and how frequent it will be utilized, most of the discourse fails to address how the National Guard will participate in the development of its future. It is imperative that Guard leaders have a systematic methodology to integrate its force structure into DOD missions while preserving capacity to meet the needs of the Governors.

Historically, the National Guard has proven its adaptability and eagerness to pursue missions that other services try to avoid. It also has demonstrated that it can fill in gaps until the active component can “right-size” itself or realign forces. By law and design, it has a responsibility “to execute the laws of the Union” as well as defend the nation. While often used to assist local leaders, bureaucratic friction often prevents the National Guard from demonstrating its capability gaps or utilizing the formal DOD systems currently in place to acquire necessary force structure.

The elevation of the CNGB to membership on the JCS will likely benefit the Guard’s ability to address these matters; however, it is the ancillary effects that will be of most benefit. By integrating more of the National Guard into the JCIDS and Global Force Management, the eventual result will likely improve the seemingly interaction between the components. If the National Guard is to have a greater role, it makes sense that it has a greater voice to display its capabilities and requirements.

## BIBLIOGRAPHY

- Cartwright, James E. and McCarthy, Dennis M. *Comprehensive Review of the Future Role of the Reserve Component, Volume I, Executive Summary and Main Report*. Washington, DC: Office of the Assistant Secretary of Defense for Reserve Affairs, 2011.
- Cooper, Jerry. *The Rise of the National Guard: The Evolution of the American Militia 1865-1920*. Lincoln, NE: University of Nebraska Press, 1997.
- Defense Budget Priorities and Choices*. Washington, DC: Office of the Secretary of Defense, 2012.
- Derthick, Martha. *The National Guard in Politics*. Cambridge, MA: Harvard University Press, 1965.
- Doubler, Michael D. *Civilian in Peace, Soldier in War—The Army National Guard, 1636–2000*. Lawrence, Kansas: University Press of Kansas, 2003.
- Duncan, Stephen M. *Citizen Warriors: America's National Guard and Reserve Forces and the Politics of National Security*. Novato, CA: Presidio Press, 1997
- Fischer, David H. *Paul Revere's Ride*. Boston, MA: Oxford University Press, 1995.
- Galvin, John R. *The Minute Men: The First Fight, Myths and Realities of the American Revolution*. Washington, DC: Brassey's, 1996.
- Gates, Robert M. *Quadrennial Defense Review Report*, February 1, 2010. Washington, DC: U.S. Department of Defense, 2010.
- Gross, Charles J. *Prelude to the Total Force: The Air National Guard 1945-1969*. Washington, DC: U.S. Air Force, Office of Air Force History, 1985.
- Hart, Gary. *The Minuteman: Restoring the Army of the People*. New York, NY: Free Press, 1998.
- House, Jonathan M. "John McAuley Palmer and the Reserve Components." In *The Guard and Reserve in the Total Force*, edited by Bennie J. Wilson III, 29-39. Washington, DC: NDU Press, 1985.
- Hill, Jim D. *The Minute Man in Peace and War: A History of the National Guard*. Harrisburg, PA: Stackpole Books, 1964.
- Keeler, Thomas. "Minnesota OMLT deploys with Croatians to Afghanistan." *National Guard Magazine* (March 1, 2010).  
<http://www.ng.mil/news/archives/2010/03/030410-OMLT.aspx>.

- Kohn, Richard H. *Eagle and Sword: The Federalist and the Creation of the Military Establishment in America, 1783-1802*. New York: The Free Press, 1975.
- Leach, Douglas E. *Arms for Empire: A Military History of the British Colonies in North America, 1607-1763*. New York, NY: Macmillan, 1973.
- Levin, Carl, U.S. Congress. Senate. Committee on Armed Services. *Opening Statement at SASC Hearing on Whether the Chief of the National Guard Bureau Should be a Member of the JCS*. 112<sup>th</sup> Cong., 1st sess., November 10, 2011 (statement of Senator Carl Levin). [http://armed-services.senate.gov/e\\_witnesslist.cfm?id=5255](http://armed-services.senate.gov/e_witnesslist.cfm?id=5255).
- Library of Congress. Federal Research Division. *Funding for Reserve Component Equipment: An Analysis of the Budget Process: A Report Prepared by the Federal Research Division, Library of Congress under an Interagency Agreement with the Commission on the National Guard and Reserves, November 2007*. Washington, DC: Library of Congress, 2007.
- Library of Congress. Federal Research Division. *Historical Attempts to Reorganize the Reserve Components: A Report Prepared by the Federal Research Division, Library of Congress under an Interagency Agreement with the Commission on the National Guard and Reserves, October 2007*. Washington, DC: Library of Congress, 2007.
- Logan, Jonathan A. *The Volunteer Soldier of America*. New York: R.S. Peale and Company, 1887.
- Mahon, John K. *The American Militia: Decade of Decision, 1789-1800*. Gainesville, FL: University of Florida Press, 1960.
- McKinley, Craig R. *2012 National Guard Posture Statement: A Great Value for America*. Washington, DC: National Guard Bureau, 2012.
- McPherson, James M. *Ordeal by Fire: The Civil War and Reconstruction*. New York: Alfred A. Knopf, 1982.
- National Guard Bureau. *A Formula for Operational Capacity White Paper*. Arlington, VA: ARNG Directorate, 2011.
- National Guard Bureau. *Preventing Future Conflict: The Army National Guard and Security Cooperation White Paper*. Arlington, VA: ARNG Directorate, 2011.
- Obama, Barrack H. *The National Security Strategy* (Washington, DC: White House, 2010).
- Panetta, Leon. U.S. Congress. Senate. Committee on Armed Services. Letter to The Honorable Carl Levin, Chairman. 112<sup>th</sup> Cong., 1st sess., December 7, 2011 (Letter from Leon Panetta, Secretary of Defense).

- Riker, William H. *Soldiers of the States*. New York: Arno Press, 1979.
- Shea, William L. *The Virginia Militia in the Seventeenth Century*. Baton Rouge, LA: Louisiana State University Press, 1983.
- Sorley, Lewis. *Thunderbolt: General Creighton Abrams and the Army of His Times*. Washington, DC: Brassey, 1998.
- Stephenson, R.S. "Pennsylvania Provincial Soldiers in the Seven Years' War." *Pennsylvania History* 62, no. 2 (1995): 205.
- Upton, Emory. *The Military Policy of the United States*. Washington, DC: U.S. War Department, 1907.
- U.S. Congress. Senate. Committee on Armed Services. *Hearing to Receive Testimony on Whether the Chief of the National Guard Bureau Should be a Member of the JCS: Hearing Before the Committee on Armed Services*. 112th Cong., 1st sess., November 10, 2011 (testimony of General James F. Amos, Commandant of the Marine Corps). [http://armed-services.senate.gov/e\\_witnesslist.cfm?id=5255](http://armed-services.senate.gov/e_witnesslist.cfm?id=5255).
- U.S. Congress. Senate. Committee on Armed Services. *Hearing to Receive Testimony on Whether the Chief of the National Guard Bureau Should be a Member of the JCS: Hearing Before the Committee on Armed Services*. 112th Cong., 1st sess., November 10, 2011 (testimony of General Martin E. Dempsey, Chairman of the Joint Chiefs of Staff). [http://armed-services.senate.gov/e\\_witnesslist.cfm?id=5255](http://armed-services.senate.gov/e_witnesslist.cfm?id=5255).
- U.S. Congress. Senate. Committee on Armed Services. *Hearing to Receive Testimony on Whether the Chief of the National Guard Bureau Should be a Member of the JCS*. 112th Cong., 1st sess., November 10, 2011 (statement of Senator Carl Levin). [http://armed-services.senate.gov/e\\_witnesslist.cfm?id=5255](http://armed-services.senate.gov/e_witnesslist.cfm?id=5255).
- U.S. Congress. Senate. Committee on Armed Services. *Hearing to Receive Testimony on Whether the Chief of the National Guard Bureau Should be a Member of the JCS: Hearing Before the Committee on Armed Services*. 112th Cong., 1st sess., November 10, 2011 (testimony of General Craig R. McKinley, Chief of the National Guard Bureau). [http://armed-services.senate.gov/e\\_witnesslist.cfm?id=5255](http://armed-services.senate.gov/e_witnesslist.cfm?id=5255).
- U.S. Congress. Senate. Committee on Armed Services. *Letter to The Honorable Carl Levin, Chairman*. 112th Cong., 1st sess., December 7, 2011 (Letter from Leon Panetta, Secretary of Defense).
- U.S. Department of Defense, Joint Publication 1-02, *Dictionary of Military and Associated Terms* (Washington, DC: U.S. Department of Defense, 2011).
- U.S. Department of Defense, Joint Publication 3-57, *Civil-Military Operations* (Washington, DC: U.S. Department of Defense, 2007).

- U. S. Department of Defense. *DoD Directive 3160.01: Homeland Defense Activities Conducted by the National Guard*. August 25, 2008. Washington, DC: Department of Defense, 25 August 2008.
- U.S. Department of Defense. *DoD Directive 5100.01: Functions of the Department of Defense and Its Major Components*. December 21, 2010. Washington, DC: Department of Defense, 21 December 2012.
- U.S. Senate, *The Constitution of the United States* (Washington, DC: Senate Document 109-17, 2006).
- U.S. Joint Chiefs of Staff. *DOD Doctrine for the Armed Forces of the United States, May 2, 2007 Incorporating Change 1 March 20, 2009*. Joint Publication 1. Washington, DC: Joint Chiefs of Staff, March 20, 2009.
- U.S. Joint Chiefs of Staff. *Joint Capabilities Chairman Integration and Development System*. CJCSI 3170.01G. Washington, DC: Joint Chiefs of Staff, March 1, 2009.
- U.S. Joint Chiefs of Staff. *Joint Doctrine Development System*. CJCSI 5120.02C. Washington, DC: Joint Chiefs of Staff, January 13, 2012.
- U.S. Joint Chiefs of Staff. *Defense Support of Civil Authorities (DSCA) for Domestic Consequence Management (CM) Operations in Response to a Chemical, Biological, Radiological, Nuclear, or High-Yield Explosive (CBRNE) Incident*. CJCSI 3125.01B. Washington, DC: Joint Chiefs of Staff, August 19, 2009.
- U.S. President. *The National Security Strategy*. Washington, DC: Government Printing Office, May 2010.