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THE MILITIA ACT OF 1903.

BY LIEUTENANT-COLONEL JAMES PARKER, U.S.A., ACTING ASSISTANT
ADJUTANT-GENERAL.

ON January 21st, 1903, there was passed by Congress and approved by the President a law which, by adding greatly to the defensive power of the Republic, is destined to have a far-reaching effect on the future of the United States. By this law the National Government gains certain advantages which may be briefly summarized as follows:

First: A great improvement in the efficiency of the National Guard, which will result as a consequence of governmental supervision and aid, better arms and equipment, and more thorough training;

Second: The placing of the National Guard, in an emergency, at the disposal of the general Government, whereby the President, in time of war, will be able to muster the whole of that force into the United States service, at twenty-four hours' notice, if necessary, to serve until the Volunteers are ready to take the field;

Third: The formation of a Corps of Reserve Officers, derived from sources outside of the Regular Army, but tested by examinations prescribed by the War Department, whose function in time of war will be to command our Volunteers.

I propose to state briefly the provisions of this Act.

The first section reiterates the law of 1793, that the militia shall consist of every able-bodied citizen between eighteen and forty-five, and divides the militia into two classes—the organized militia or National Guard, and the unorganized or reserve militia.

The third section defines the "organized militia" as the regularly enlisted, organized, and uniformed militia which shall hereafter participate in the annual militia appropriation (heretofore only one million a year). It gives the President authority to fix the minimum number of enlisted men in each company.

The fourth, fifth, sixth, and seventh sections give the President authority, in case of invasion by a foreign power, rebellion, or when the laws of the Union cannot be executed with the other forces at his command, to call out "the militia" in such numbers as may be necessary.* He may specify the period of service, not exceeding nine months; and any officer or enlisted man who fails to present himself to the United States mustering officer, when so called out, may be court-martialled.

The thirteenth section provides for a free issue to the States of the new magazine rifles, carbines, and belts, in place of the old Springfield rifles, and for an exchange of ammunition.

The fourteenth section gives authority to the States to use a portion of the annual militia appropriation for the purpose of paying the National Guard while in camp.

The fifteenth and twenty-first sections provide that, whenever the National Guard and Regular Army shall have combined manœuvres, the pay, subsistence, and transportation of the militia will come out of the Army appropriation, and not out of the militia appropriation. The militia will on such occasions also obtain ammunition for target practice without charge.

The eighteenth section provides that each State shall require every organization "not excused by the Governor" to have, during the calendar year, twenty-four drills and five days' field instruction, on penalty of forfeiture of the annual allotment of the State.

The nineteenth and twentieth sections provide for the detail of Army officers, to report to the Governor for duty with the militia.

The twenty-third section provides that any person who has served in the Regular Army or Volunteers or National Guard, or who has received instruction in military schools or colleges to which Army officers are detailed as instructors, is authorized to apply to the Secretary of War for a certificate that he is qualified as an officer of Volunteers; and that, on passing a stringent examination by an Army board, he shall be listed as such.

The sixteenth and twenty-third sections provide for the military instruction, at the United States Army Schools, of officers thus qualified for Volunteer commissions, or of officers of the National Guard, quarters and subsistence to be furnished by the United States.

* The reserve militia may also be called out under this authority.

Such are the main features of the Militia Act of 1903. While the execution of the law has been somewhat delayed, owing to the fact that a certain length of time was necessary to study and interpret its provisions, much has been accomplished already in carrying it into effect.

An inspection is now being made by Army officers to determine, in each State, the strength and efficiency of the militia. As there are, in the National Guard of 118,000 men and officers, over 2,300 companies, stationed in 1196 different towns, it may be readily understood that this inspection is a large undertaking. As soon as the reports from a State come in, showing the number of qualified militia, the necessary number of the new magazine guns and equipments are, upon the requisition of the Governor, shipped to replace the old arms. The War Department has definitely announced its intention, in future, to arm the National Guard with the best and latest arms and equipments. Congress has also appropriated, in the Army Appropriation Bill, \$2,000,000 for the purchase of equipments and supplies sufficient to fully arm and equip all branches of the National Guard with the same arms and equipments as are used by the Army. Out of this sum will be obtained a new equipment of field-artillery, of the latest rapid-fire design.

The question of the pattern of uniform to be worn by the National Guard is a matter which, until acted upon by Congress, lies in the hands of the States. Accordingly, some of the States have adopted for their militia the uniform worn by the United States Army. This is not altogether relished by some of the regular soldiers, who would naturally prefer to preserve their identity. In view of the fact that the different corps in all services wear distinguishing marks, colors, or stripes, it is to be hoped that the States will agree upon some similar method of marking the distinction between the regular and the civilian soldier. The wearing of a broad stripe upon the arm has been suggested in this connection.

A uniform system of target practice, suited to the new arm and to the special needs of the National Guard, has been adopted. Under it reports will be published yearly at the Headquarters of the Army, showing the relative proficiency of the States. The States are arranging to comply faithfully with the requirement that, each year, every organization shall have at least twenty-four

drills and five days' field service. Many of the States are desirous that the system of combined manœuvres, in which both the Regular Army and the organized militia are to take part, shall be inaugurated this year, 1903, and the question of having such manœuvres at Chickamauga, Georgia, Louisville, Kentucky, Fort Riley, Kansas, Fort Russell, Wyoming, and American Lake, near Tacoma, Washington, is now being considered. Most of the States are changing their laws so as to adopt the organization, uniform, regulations, system of reports, etc., of the Regular Army.

In general, the attitude of the States toward the new law is one of enthusiastic approval, as being a measure which will strengthen and protect the Republic, and which therefore deserves the support of patriotic men. The members of the National Guard have announced to the Inspectors, almost universally, that they are ready and anxious to serve the United States, whenever the call is made. In many States and Territories, the extra appropriations of this year have afforded an opportunity to greatly improve the equipment of the National Guard, as well as to increase the number of organizations and of men.

While, owing to lack of time and facilities, it has been impossible as yet to carry into effect those sections of the law providing for the instruction of officers of the National Guard at the Service Schools at Fort Leavenworth and elsewhere, or for the examination of candidates for the eligible list of Volunteer officers, these matters are now under consideration by the General Staff; and in due time rules will be formulated for carrying into effect these most valuable provisions. And it is expected that under them a great advance will be made in the theoretical as well as practical instruction of our National Guard officers. It is believed that many young men who would not otherwise enter the National Guard will now do so, in order to obtain the training that will qualify them to compete for places on the War Department Roll of eligible Volunteer officers. A new and valuable element will thus enter the ranks, raising the standard of the personnel; and it is probable that in certain organizations, such as crack troops of cavalry, the theoretical instruction, in the hands of good commanders, will assume such proportions that such organizations will become, in fact, schools for officers. Thus we may expect a great increase in the number of élite regiments, companies, and troops of the National Guard.

The disposition to be made in time of war of this reserve corps of officers is a problem which may well evoke mature consideration. Where is the Government to place these Volunteer officers who have qualified themselves for commissions? Surely they will be used to officer United States Volunteer regiments, like those which did such magnificent work in the Philippines. For the State Volunteer regiments they are not available, since the appointment of officers of a State regiment lies in the hands of the Governor. And it is safe to presume that, in case of any future war, the United States will repeat, perhaps, on a larger scale, the plan of raising a contingent of *United States* Volunteers, the field officers to be largely drawn from the Regular Army, the lower grades from the officers of the Volunteer reserve. Such regiments, like the United States Volunteers of 1899, will be brought into shape in much less time than that consumed by the State Volunteer regiments. It is to be hoped, in such an event, the transfer of Regular officers to the Volunteers will leave vacancies which will be filled by their juniors, thus benefiting promotion in the regular army.

Now that we have a General Staff, charged with questions of future policy, it is probable that plans for the raising, organizing, equipping, and drilling of Volunteers will be worked out in detail, so that in no future war will arise such confusion as in 1898. In such plans, the corps of eligible Volunteer officers created by the Militia Act will occupy an important place.

In connection with the Militia Act, Congress has wisely passed a law for the detail, with full pay and allowances, of twenty retired officers as assistants in the instruction of the National Guard of the States. It is to be hoped this number will be so increased shortly as to permit of assigning one to each State and Territory. The increased pay which this duty brings will make it possible to select for this purpose from the ranks of the retired officers of the United States Army the very best material—officers of rank, experience, and efficiency. It often happens that the operation of the law retiring officers at the age of sixty-four places on the shelf men who are in the possession of their ripest powers. The retired list contains many Brigadiers-General and Colonels and other high ranking officers, who will bring to this task dignity, experience, and talent, and who will command the respect and admiration of the organized militia. It is to be expected that the

functions of these officers will combine those of instructor and inspector of militia, and also of the confidential servant and adviser of both the Governor and the War Department.

The question of the minimum strength of companies of the organized militia presents some difficulties that as yet have prevented a satisfactory conclusion. It is, of course, desirable that the companies should not be too small; for otherwise the force lacks efficiency, and the organization is top-heavy and unduly expensive. It would be desirable that the minimum enlisted strength of the companies should be placed at the figure adopted, in peace, in the United States Army, sixty-five. But, while it may be easy to keep companies at this figure in large towns, in the smaller towns it is not, and the exclusion from the benefits of the militia appropriation of companies of less than sixty-five would disband many companies in localities where they are for local reasons needed by the States or Territories. It would also make the maintenance of a sufficient force of militia a difficult matter in some of our more sparsely inhabited States and Territories. This question will be perhaps settled by fixing a different standard for such communities.

Another difficult question is that of the physical examination that shall be required of the militia recruit. It is important, in case of the muster of the organized militia into the service of the United States, that the men thus mustered in shall be physically fit; otherwise the pension list will be unduly increased. But the United States cannot always in time of war wait until a physical examination is made of all the men before they shall be mustered in. Wars sometimes come suddenly and the troops may be needed at once. The medical examination of National Guard regiments in 1898 took, in some cases, two weeks. It would, therefore, be desirable that the National Guard should be composed only of men who have passed at entrance a physical examination akin to that of the Regular Army recruit. It is hoped that the States will see the necessity of carrying this rule into effect. In any case, it will probably be necessary, after muster into the United States service, that a physical examination be made by United States Surgeons, in order that all unsound men may be noted, and the pension lists thus protected.

Closely connected with the improvement of the National Guard is the question of the purchase by the general Government of

camp sites for combined manœuvres of the National Guard and Regulars, and of the purchase of rifle ranges. In 1901, Congress authorized the President to investigate the question of sites for the combined instruction of the Army and the National Guard, with a view of selecting and purchasing four. The essential features of such sites are that they should be in a central location, five or six miles square, with good transportation facilities, terrain suitable for movement of all arms, good water supply, with facilities for proper disposal of sewage, sandy, easily drained soil, and good locations for camps and rifle ranges. As, in order to carry out the ordinary regimental manœuvre of the advance to the attack, a field having a length of at least 4,000 yards is required in these days of long-range arms, it may be seen how necessary such tracts are to the instruction of the Regular Army, not to speak of the National Guard. Our laws do not permit us to tramp uninvited over the farmer's fields, as they do in Europe; hence, like England, which has its Aldershot camp site, we must have tracts set apart for the purpose. It is to be hoped that we will shortly see the acquirement by the Government of several such tracts and the carrying out of manœuvres by the Army and National Guard on a large scale. The main difficulty is the expense. It is difficult for the Government to buy, in the more thickly settled States, land suitable for the purpose, in tracts of 20,000 to 30,000 acres, for less than \$50 to \$100 an acre.

Rifle ranges also are needed, not only for the National Guard, but also for the citizen population. To shoot well is a large part of the education of the soldier; and if the Government can arouse such an interest in shooting, in not only the organized but also the unorganized militia, that our male population shall be familiar with the accurate use of the rifle, we shall have gone far towards evening up the advantage the foreigner gains by his universal conscription. Much can be accomplished in this direction, if the United States will offer free the use of the military rifle on ranges to be established near our large towns. Such ranges would also be available for the instruction of the National Guard. Their cost would be little in comparison with the benefits to be obtained. The cost of sufficient target ranges and camp sites for the whole country will hardly exceed that of one or two new battle-ships.

To complete the intention of the law, legislation would seem to be required providing that the cost of maintenance of the horses

of mounted officers and of cavalry troopers shall be defrayed by the United States, during encampments or field instruction. Another amendment in the law ardently desired by the National Guard, is a provision for a *per diem* allowance to men and officers attending the twenty-four drills a year required by the Act. The average militiaman, even though the sacrifice made may be considerable, receives no compensation for his services, except when in camp. It often happens that, in order to attend drills, the enlisted man has to travel a considerable distance, pay railroad fare, and sometimes in addition he is docked for wages on account of missing night work. Because of these and similar obstacles, in some communities it is difficult to obtain recruits of the stamp desired, and the militia service languishes. A much better state of discipline could be maintained if the services of these soldiers were not wholly gratuitous; and an allowance, say of one day's Regular Army pay for a private soldier (about 40 cents) per drill of two hours (coupled with a considerable fine for non-attendance) would add much to the efficiency of the National Guard. When to this it is objected that such an expenditure would add largely to the cost of the National Guard, the reply is made that the United States may well afford an extra ten dollars or so per man per year. For the object of all military training is to produce a soldier for the emergency of war. Under this bill, the National Guardsman becomes at the outbreak of war virtually a United States soldier, having cost the Government annually about ten dollars, as against an annual outlay of five hundred dollars for each regular soldier. Surely, we can afford to spend a few extra dollars per man to make the National Guardsman a more efficient soldier in preparation for the time when every soldier is needed.

There seems to be an impression in some quarters that this Militia Act of 1903 weakens the power of the States over the militia, and is in some respects an attack on State sovereignty. Nothing could be farther from the facts. The bill is carefully drawn to preserve the authority of the Governors over their own troops, by "reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress."* In time of peace, the National Guard of each State is thoroughly a State force, made more efficient for that purpose than ever before by

* See Constitution of the United States, Article I.

the aid of the general Government. In time of war, the National Guard may be called into the United States service by the President, but this right is a constitutional right under the authority given Congress "to provide for calling forth the militia to execute the laws of the Union, to suppress insurrections and repel invasion."* The laws passed under this provision, by Congress, have from the earliest days of the Republic made every citizen of military age, whether in the organized militia or not, subject to military duty whenever called out by the United States. But, while the Militia Act of 1903 more clearly defines the rights and duties of the United States than before, and the organized militia must in future be ready to turn out at a moment's notice in case of war, there no longer seems to be the danger that (as was done in 1898) the militia regiments will be converted into United States Volunteer Regiments. The soldier who joins the National Guard now does so with the assurance that, in case of war, he will not be obliged to volunteer for a long period, but that, after a few weeks or months of service, the regiment will be returned again to the State from which it was borrowed.

The paramount value of the law of 1903 is that its passage enables us now, for the first time, to evolve a competent system of defence. In case of a great war, our principal reliance has always been, and will always be, on our Volunteer troops. But it takes time to raise, organize, clothe, and drill the Volunteers, and during this period of preparation we should, with only our small Regular Army ready for defence, be at the mercy of a powerful predatory enemy. But, under this law, the militia, supporting the Regulars, stand ready to save the country from the humiliation that is sure to overtake in modern wars a nation wholly unprepared. Under this law, the President is able to muster into the service of the United States, at once, and without the long delay made necessary in the case of the Volunteers, the whole National Guard, of 150,000 men, in brigades, regiments, and battalions, as they stand, fully armed and equipped, mobilized and ready for active service at six hours' notice, and ship them to the seaboard, or wherever they may be needed for the defence of the country. That the time will come when they will be needed cannot be doubted. The United States, a nation of nearly a hundred million people, is determined to exercise its legitimate influence in the

* See Constitution of the United States. Article I, Section VIII.

world's affairs. It cannot, with the blood of the American in its veins, adopt a Chinese policy of exclusion and isolation. And so war is foreordained. But we must remember that modern wars are not always preceded by a declaration of war and that the first notice of hostilities may be the landing of an Army on our shores, the sacking or burning of our sea-coast towns. What we shall want in such an emergency is a first line of fairly well-trained troops, who will form a solid bulwark behind which our Volunteers may be got ready. This bulwark we are going to find in the Regular Army and the National Guard; well-trained men, good shots, accustomed to field service, proud of their record and of their organizations.

With such a line of defence protecting the country on the first outbreak of war, we shall be able to contemplate with more equanimity the possibility of being forced into war with a Power of the first order. It is to be expected that this eventuality will be taken into account by our new General Staff; that they will draw up in preparation for war a complete plan for the formation of these Volunteers who are to relieve the militia; decide where the regiments shall be raised and who shall be their officers; arrange for their prompt equipment and have all kinds of supplies stored near the places of mobilization—ammunition for their training, books and papers for their returns and records, tents for their encampments—so that there shall be no confusion, no disorder.

Enough has been said to demonstrate the importance of this measure to the country at large. As time goes on, its beneficent effects will be more and more evident, its scope made more far-reaching. The country owes a debt of gratitude to General Charles Dick, Member of Congress from Ohio, to the Honorable Elihu Root, Secretary of War, and others, to whose persistent efforts the passage of this law is due. For, in a peace-loving nation, any measure that prepares for war tends to prevent war, since it tends to prevent aggression.

JAMES PARKER.