



EVOLUTION OF THE MILITARY PART 3

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Two major factors for the initial division between the militia and the Regular Army were the practical realities of limited resources and a real fear of a despotic military leader with a large army at his disposal. However, as the United States became farther removed from the revolution, this fear dissipated, and the division between the Regular Army and the militia became nonexistent.

How to Support the Regular Army?

One of the main functions of the militia (discussed in Part 1 of this series) was to "execute the Laws of the Union, suppress Insurrections and repel Invasions." To do this more efficiently, Congress granted the president the power to "call forth" the militia into federal service in times of an emergency. This power started the complicated relationship between the Regular Army and the militia.

In 1807, Congress passed the Insurrection Act, which allowed the president to use the Regular Army, in addition to the militia, to suppress insurrections. Ultimately, the Insurrection Act completely upended the balance between the Regular Army and the militia. The Act allowed the president to respond to insurrection and rebellion more quickly, but it came with a cost. As mentioned previously, the Constitution gave the militia - not the Regular Army - the power to "suppress Insurrections." The militia's constitutional power, combined with the fact that the militias tended to be less reliable than the Regular Army, led to friction between the two.

This friction became increasingly evident in the 1870s. As states transitioned from compulsory militia service to volunteer forces, certain militias started to call themselves the "National Guard." Unlike today's version of the National Guard, these "National Guard[s]" were not a unified organization or officially recognized. They were simply a state's militia under a different name, and they were indeed not a national organization. Despite the misnomer, the National Guard Association of the United States (NAGUS) was founded in 1878 and advocated for the state National Guards to become a legally recognized reserve component of the Regular Army.

You may ask yourself, "Wasn't the militia already supposed to support the Regular Army?" The answer is yes. The militia structure described in Part 1 of this series illustrates that the Regular Army was the first line of defense and the militia served a supportive role. However, this belied two issues. First is many of the problems outlined in Parts 1 and 2 of this series. Second, even if you could solve those initial problems, integrating the militia with the Regular Army was still an issue. More simply, it is more a question of "how do these two legally distinct organizations work together?" The War of 1812, the Mexican American War, and the Civil War are rife with examples of the organizational issues the Regular Army and the militia faced when combined.

Additionally, formal recognition of the National Guard(s) as a reserve component of the Regular Army would still take decades. Instead, Congress passed the Dick Act in 1903 to formally recognize the National Guard as organized militias and changed specific requirements to professionalize and align it with the Regular Army. The law also provided funds to the National Guard(s) if they adopted the Regular Army's organizational standards.

The next decade and a half would also see Congress focus more on the professionalization of the National Guard. First, the Militia Act of 1908 mandated that the National Guard's organization, armament, and discipline be the same as the Regular Army. It also allowed the National Guard to participate in Regular Army maneuvers and exercises. The passage of this law significantly bridged the militia and Regular Army gap, but reforms did not stop there.

In 1916, Congress passed the National Defense Act. This Act took the professionalization of the National Guard to a new level by using the "armies clause" of the Constitution when calling forth the National Guard into federal service, thus, making it a part of the Regular Army. This law, coupled with the 1917 Selective Service Act discussed in Part 2 of this series, allowed the Regular Army and the militia to fight as a singular force in World War I.

Finally, in 1933, Congress passed the National Guard Mobilization Act, which formally made the National Guard a reserve component of the Regular Army. NGAUS advocated for this change since 1878, so this was a significant milestone. The law's passage also solidified the National Guard's dual role to the Regular Army at the federal level and individual states as a militia.

U.S. Department of Defense

Since its inception, the U.S. military has undergone many changes, with two other laws worth noting. The National Security Act of 1947 created the U.S. Department of Defense (DOD). Before this law, the U.S. Department of War oversaw the U.S. military. Congress also created the Department of the Airforce and the Joint Chiefs of Staff when it established the DOD. Finally, the 1952 Armed Forces Reserve Act created the modern Regular Army reserve components, including the National Guard and reserve components of the various military branches.

Conclusion

The laws and events discussed throughout this series ultimately led to the modern structure for the U.S. armed forces. While funding, technology, and armed conflict influenced this structure over the last 70 years, the massive changes that the Regular Army and the militia underwent throughout the 19th and 20th centuries have largely ended. Indeed, the current structure - a large standing army with multiple forces (including a National Guard that doubles as a militia) - is a far cry from the "first line of defense" model described in Part 1 of this series. So much that influenced the formative years of the U.S. military came down to the practical realities of governing a new nation. As those realities altered, so too did the Regular Army and militia.

Resources

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