In the course of making an NGAUS video tape for distribution to the field explaining what the Association is doing at the national level, one of the points which makes is that the Militia system is alive and well in 1987. It is important to reemphasize that message now, as the development in 1895—particularly the enactment of the Montgomery Amendment—and also as a lead-in to our celebration September 17 and December 7 this year of the signing and beginning of the ratification of the U.S. Constitution, which contains the Militia Clause.

Reflection on the original intent and meaning of the Militia Clause is a worthwhile project for Guardsmen because it is this section of our supreme law of land that gives us our legal reason for being. The United States is frequently referred to as a “Militia nation” when the subject being discussed is our historical distaste for large standing armies. This also partially explains the taxpayers’ low threshold of pain for Defense spending and the fact that in 200 years we have had minimal conscription in peacetime only during the 1950s and 1960s.

As has been the case for most of the 20th century, a major task of the NGAUS is to resist the attempts to weaken this Militia system, something we frequently call “state control of the Army National Guard.” This has been an effort to gain command and control over our AGR force based on an Army judge advocate general’s opinion that full-time personnel on “active duty” had to be under title 10 (active component) jurisdiction rather than title 32 (State Guard). This view ultimately prevailed, it would have meant—in effect—that our AGR state control of the Guard in peacetime based on training to the “discipline” established by Congress. This peacetime means the states train the Guard in accordance with military standards.

Currently, we are addressing another of the Guard’s AGR issues. This is the selection and rotation policies governing the AGR portion of the Guard’s full-time force. One proposal that has surfaced is for the active Army to select and assign Guard AGR personnel, leaving little or no control over such selection and assignment to the adjutants general. There are numerous flaws to such a strategy, not least of which is the fact that it would be unconstitutional to require a state to commission an officer against its will. It seems to me that the Constitution says quite clearly that appointment of officers of the National Guard is left specifically and solely to the states.

But even if a legal way to do this can be found, such a policy would be unwise. One of the great strengths of the National Guard is its stability. Guard soldiers serve many years in the same units, sometimes an entire career spanning several decades. In this cohesiveness and intimate knowledge of the habits, personalities and inclinations of one’s colleagues that gives the citizen-soldier Guard member the same readiness edge that is acquired by our active component colleagues through full-time duty.

As an example, two master sergeants serving together on a JCS exercise were comparing notes. The active Army NCO had been in this unit 37 years, or about 375 training days. The Army Guard NCO had been with his unit 23 years, or a minimum of 180 training days (based on 36 days a year). (Of course, most Guard NCOs year). Criticism of the Guard’s AGR assignment policy misses the mark, we don’t need the active component’s maintenance policy that moves people every three or four years. It creates turnover for them, but it would create chaos for us, who are used to stability, retention and long-term relationships. That is our strength and we must fight to maintain it.

What Do Chaplains Do Besides Pray?

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