

THE STATE MILITIA IN NEVADA: A HISTORY

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The United States has always relied upon its part-time citizen-soldiers as a key cornerstone in national defense. In fact, marking nearly 400 years in existence, the militia is the oldest branch of the American military. The first militia units were organized in colonial times to defend against attack on the European settlers. England's North American colonies established militias, consisting of citizens who were subject to periodic mustering and drilling, and could be called into active service to defend the nation, and after the Revolution the independent states continued to maintain them. The United States Constitution designated the president as commander-in-chief of the state militias when they were called into federal service. A 1792 act of Congress required all able-bodied white males between the ages of eighteen and forty-five to be enrolled in the militias of the states and sought to impose uniform regulations for their organization and discipline. Another act of the same year authorized the president to call them into national service to repel invasion, suppress insurrection, and to enforce federal laws. The "minutemen" turned out for every major war beginning with the American Revolution up through present-day Global War on Terrorism. The military forces of Nevada have been no exception.

The state militia of Nevada is not only what we now term the "National Guard", but includes a large unorganized component as well as state forces controlled only by the governor, which is now known as the Nevada National Guard Reserve. This little-known organizational peculiarity is reflected in the missions of the Nevada Office of the Military, which has federal, state and community components. The federal mission is to provide units trained and ready to respond to federal mobilizations as directed by Congress or the President. Additionally, both the Army and Air routinely provide daily support to the nation in airlift missions, counter-drug activities and numerous ground support taskings. The state mission is to provide a regulated militia for the State of Nevada in support of the State Constitution, and to protect the lives and property of the public, both citizens and visitors, in times of emergency, disorder or disaster. The community mission is to add value to our Nevada communities through local Guard activities, programs and events.

The Adjutant General is the Commander of the Nevada National Guard and the Director of the Office of the Military. The Office of the Adjutant General provides administrative oversight for the agency, which consists of the Army National Guard and the Air National Guard.

The purpose of the Army Guard is to provide units, trained and ready for any contingency as directed by the National Command Authority or the Governor. It recruits, develops, and retains quality military and civilian personnel to support the Nevada Army National Guard during training and operations. The Nevada Army National Guard currently occupies eleven Armories, a regional training site, an Army Aviation Support Facility and a number of maintenance shops. The Nevada National Guard Reserve has remained little more than a paper organization, in spite of an obvious applicability to homeland security after 9-11.

The 1861 Organic Act creating the Territory of Nevada named the Governor the commander-in-chief of the territorial militia. In accordance with federal law, the territorial Legislature, in 1861, defined the "enrolled" militia as "every free, able-bodied white male inhabitant...between the ages of eighteen and forty-five years" except those exempted by law. In addition to the enrolled militia, which was subject

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to being called into active service by the Governor, the law also recognized and encouraged the formation of volunteer or "organized" militia units, that is, local companies who took their duties as citizen-soldiers more seriously and who met regularly for drill, and were, presumably, better prepared to be called out for active duty.

The act (in most respects identical to a contemporaneously-adopted California statute) empowered the Governor to appoint an Adjutant General, who was *ex officio* the Governor's chief of staff, quartermaster general, commissary general, inspector general, and chief of ordnance. His other duties included: making an annual report to the Governor; keeping and filing "all returns, reports, and military correspondence made by him;" and keeping an account of all moneys received and expended by him. Also, the Adjutant General had charge of state and federal military property, such as arms, ammunition, and ordnance stores. Other members of the Governor's military staff were the chief engineer, paymaster general, judge advocate general, surgeon general, and five aids-de-camp. The law further provided for the organization of divisions, regiments, battalions, and companies, and for the appointing and electing of officers. Divisional, brigade, regimental, and company commanders were required to compile and submit muster rolls. The Governor, Adjutant General, and Territorial Auditor constituted the Board of Military Auditors. County and district assessors were responsible for making annual rolls of persons subject to military duty. The state constitution (1864) required the Legislature to provide for the "organizing and disciplining of the Militia" and for "the effectual encouragement of Volunteer Corps, and the safe keeping of public arms." Another provision empowered the Governor to call out the militia "to execute the laws of the State or to suppress insurrection or repel invasion."

Indeed, Nevada received its statehood in October 1864 partly as a result of its support to the war to keep the Union together. In compliance with its constitutional mandate the Legislature, in 1865, passed a militia act similar in content to the territorial act of 1861. Legislation of the following year made the Secretary of State the Adjutant General *ex officio*. A statute of 1873 transferred the position to the Lieutenant Governor. Another amendment in 1883 consolidated the militia. Briefly during 1891-1893, the post was held by the Governor's private secretary. In 1893 the Legislature specified that the adjutant generalship be a gubernatorial appointment.

In the latter nineteenth century the organized militias of several states began styling themselves "national guards." The Adjutant General of Nevada was using the term by 1883. In 1893 the Legislature made it official. The law also specified that the state's National Guard was to adopt the United States Army's drill regulations, and required the Governor to call out the guardsmen for annual encampments. The staff of the militia initially included a major general, a general-in-chief, and two brigadiers to control the two military districts into which the state was divided.

On paper at least, the organized state militia would hold 500 men. The militia was composed of six companies of infantry and one of artillery at Carson City, Virginia City, Emmett, Reno, Humboldt, and Tuscarora. The amount of state funded spent on the Guard per man was roughly \$10, paltry even at that time, and given these circumstances, no dress uniform was required. In 1897 the Legislature obliged the counties to provide armories for "public arms, accouterments, or military stores" used by guard companies within their borders. Legislation of 1899 fixed peacetime National Guard strength at one battalion of no more than five companies and returned the adjutant generalship to the Lieutenant Governor.

Even though the legislation of the 1890s appeared to show a determination to build a stronger militia, there was in fact a decline of the institution in that decade. The state's economy had been stagnating for

several years, with a resultant decrease in population and state funds. Also, the National Guard in other states was replacing the regular army for policing labor disputes, and organized labor in Nevada opposed employing the state's National Guard in this capacity. Throughout the decade of the 1890s several volunteer companies ceased to exist. By the turn of the century, the so-called National Guard of Nevada consisted of two poorly equipped companies, both in Virginia City.

Nevertheless, many Nevadans volunteered to serve in the Spanish-American War and the Philippine-American War. A battalion of infantry and two troops of cavalry were raised in the state. Most of these militiamen spent their time drilling outside of Carson City at Camp Sadler, named for the German-born governor of Nevada, Reinhart Sadler. Only one cavalry unit participated in the actual expeditionary warfare when it was sent to the Philippines.

In 1903 the Congress passed the Dick Act, which imposed stronger federal standards for the National Guards of the states. The military units of Nevada fell far short of the act's requirements – hard to meet given the state's size being greater than the MidAtlantic region put together, with width of a length of over five hundred miles and a pool of citizens at only 50,000 - and did not receive federal recognition. In 1906 Governor John Sparks ordered the disbanding of the organized militia. For several years Nevada was the only state lacking not only a federally recognized National Guard but an effective military force of any kind. Duties that would have been those of a state National Guard, such as maintaining order during strikes, were given to the Nevada State Police, established in 1908. Meanwhile, regular army troops were sent to deal with labor strife in Goldfield, 1907-1908.

Beginning in 1913 there were serious attempts to revive the organized militia and to have it conform to Dick Act standards. Newly formed units--a battalion of engineers, a troop of cavalry, and an ambulance company--still did not meet federal requirements. Nor was Nevada able to raise the two troops of cavalry requested by the War Department in response to the Pancho Villa raid into New Mexico.

When the United States entered World War I in 1917, there was no Nevada National Guard to be called into active duty. But once again Nevadans volunteered for service in the American forces. In Nevada, as elsewhere, the Adjutant General administered the Selective Service law.

Throughout the long period of the decline and disappearance of the militia/National Guard, the office of the Adjutant General continued to carry out significant duties. Among these were the support of civilian rifle clubs. Members of these organizations and militia marksmen competed at local, regional, and national small arms matches. In 1884 the Adjutant General compiled rosters of those who had served in Nevada's Civil War volunteer battalions. The same was done following the conflict with Spain and World War I. The information regarding World War I veterans included lists of casualties and recipients of decorations. The Adjutant General oversaw the compilation of an index of the military records of Nevadans who served the state or nation, 1862-1928. His office also provided aid to those seeking veterans' benefits. Following World War I, the War Department established the 40th Division, to be composed of National Guard units from California, Nevada, and Utah. Still lacking federal recognition of its state forces, Nevada was unable to accept the allocations of units offered to the state.

To expedite federal recognition, the Legislature, in 1923, authorized the Governor "to issue such regulations governing the appointments of officers in the national guard . . . and such other matters pertaining to the national guard as may be necessary in order to conform to the requirements made by Congress for participation in federal appropriations for the national guard."

A 1925 statute once again made the Governor's private secretary the Adjutant General. Governor Fred Balzar's private secretary, Jay H. White, mounted a determined drive to bring the state's military department up to the federal standards laid out by the National Defense acts of 1916 and 1920. His efforts paid off in 1927, when the War Department's Militia Bureau extended recognition to the Nevada National Guard. In a thorough revamping of the state's military code, the Legislature, in 1929, required the state's National Guard to be governed by War Department regulations as well as state laws and the rules, regulations, and orders issued by the Governor. The statute prohibited the use of the National Guard in "disturbances arising from any labor trouble, strike or lockout." An act of 1931 permitted the Governor to appoint any "suitable and competent citizen" to the position of Adjutant General; nevertheless Jay H. White continued to serve for several more years as the Governor's private secretary as well as the eminently suitable and competent Adjutant General.

The first Nevada unit formed after federal recognition was a military police company for the 40th Division. Engineer, motor transport, wagon, and hospital companies, and a motor repair section were added later. In the 1930s the Nevada units participated in the division's annual training camps. In January 1941 the War Department converted the Nevada units to the 121st Coast Artillery (Anti-Aircraft) Battalion; in June the unit was brought into federal service. Soon after the United States entered World War II the 121st lost its Nevada identity, and was later converted to a rocket battalion. Unlike most states, during the war Nevada did not create a state guard to replace the absent National Guardsmen.

Beginning in 1940 the Adjutant General served as state director for Selective Service. During the war he furnished Nevada guardsmen with Certificates of Service, which provided information on their tours of duty prior to federalization, and kept records of their promotions and transfers following federalization. After the war he participated in the federal Veterans Assistance Program. White also wrote a history of the Nevada National Guard.

In the immediate post-war period the Legislature made no provision for a National Guard. Without undue exaggeration, a report of the Legislative Counsel Bureau of 1948 commented that "Nevada has had a turbulent military history dating back to territorial days, but almost as turbulent has been the existence of the Adjutant General's office, an agency that has been buffeted around like an old cavalry boot."

The rebirth of the Guard came in 1947, the year White retired. The principal units allocated to Nevada were the 421st Anti-Aircraft Battalion and the 192d Air Fighter Squadron. After the creation of the United States Air Force in 1947 the ground and air branches were known respectively as the Nevada Army National Guard and the Nevada Air National Guard.

In the decades that followed other ground and air units came into existence, including armored cavalry, armor, military police, heavy equipment maintenance, ordnance, chemical, medical, aviation, signal, band, public information, and, for the Air Guard, tactical reconnaissance and airlift groups.

Since the mid-1950s new armories, built mostly with federal funds, have appeared in several Nevada communities. The Nevada Military Academy, established in 1957, conducts an Officer Candidate School and trains noncommissioned officers. During the Korean Conflict the 192d was taken into federal service for twenty-two months. Most of the Air Guard was activated during the Pueblo crisis in 1968-1969 and again for Operation Desert Storm in 1990-1991.

The Legislature enacted the most recent major revision of Nevada's military code in 1967. The statute also created the Department of the Military and a new Code of Military Justice. A 1993 statute changed the name of the agency to the Office of the Military. Both branches of the post-war Nevada National Guard have frequently served in emergencies such as floods, fires, explosions, storms, and civil disturbances. Activities have included: photo reconnaissance; drug law enforcement; recovery of escaped prisoners; rescue of lost persons; and prevention of looting.

The Nevada Division of Emergency Management, created in 1953, is a component of the state's Office of the Military. It is responsible for developing and carrying out "the state's plan for hazard mitigation, preparedness and response/recovery relating to natural and man-made disasters and emergencies."

Prior to 1997, a state Veterans Affairs agency operated as part of the Department of Motor Vehicles and Public Safety. That year the Legislature put it within the Office of the Military. While under Motor Vehicles, a Commissioner of Veterans Affairs and a Deputy Commissioner administered the agency; as part of the Office of the Military the titles changed to Executive Director and Deputy Executive Director. The act of 1997 also created the Veterans' Services Commission to advise them. In 1998 the Office of the Military described its federal mission was "to maintain combat ready units available to mobilize and deploy in support of the National Military Strategy and Military Support to Civil Authorities (MSCA) as directed by National Command Authority." Its mission in the state was to provide "military forces for assistance to Civil Authorities in natural and technological disasters, civil disturbances, and civil defense." The part of the militia that only the governor can recall, the state defense force, is known in the state as the Nevada National Guard Reserve. It is commanded by a state-commissioned officer with the rank of lieutenant colonel.

To improve responsiveness to federal, state and community requirements, the Nevada Army Guard has activated two new units, the 777th Engineer Utility Company in Henderson and the 440th Cable and Wire Company in Las Vegas. The Army Guard provided equipment and troop support to numerous civilian authorities, including firefighting support for wildland fires and search and rescue missions. The Army Guard continued to support and participate in Project ChalleNGe, an outreach behavioral and educational program for at risk youth, in partnership with the Arizona National Guard. The Army Guard deployed personnel for over six months in support of NATO operations in the Balkans and has been heavily represented in the war against Saddam Hussein and during the subsequent occupation of Iraq.

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