

LAST WIND  
ADVISOR

Sept. Hall

**Proposed Amendment to the Present Military Code of the  
State of West Virginia.**

HUNTINGTON, W. VA., FEB. 20, 1909.

HON. W. M. O. DAWSON,  
CHARLESTON, W. VA.

Sir:

As per your request that I write you In Re Military bills now pending I have the honor to submit the following reasons why Sections 8 and 12 of the present Military Code should be amended and the substitutes for the said sections submitted herewith be adopted, said amendments dispenses with the General Staff, except an Adjutant General and an Assistant Adjutant General and one Medical officer, and the Brigade organization entirely, unless it may hereafter become needed or necessary by conditions that do not now exist.

Amendments to sections 8 and 12 of the present Military Code:

SECTION EIGHT.

The Staff of the Commander-in-Chief shall consist of one Adjutant-General with the rank of Brigadier General, and one Assistant-Adjutant General with the rank of Colonel; such aides not to exceed six in number with rank not above that of Colonel who may be detailed from the line and field officers of the regiments, and one medical officer with the rank of Lietutenant Colonel, who shall be the Chief Medical Officer and perform all duties that may or hereafter be required of the Chief of the Medical Department by the laws of this



state or by the law of the United States, or orders of the War Department.

The Adjutant General shall be appointed and commissioned by the Governor but no person shall be appointed Adjutant General, unless he shall have had, at least —years service in the National Guard of this or some other state or in the regular or volunteer army of the United States or all combined, and he shall hold his commission during the term of office of the Governor so appointing him. No person shall be appointed the Assistant Adjutant General, unless at the time of such appointment he be an officer of the National Guard of West Virginia and shall have had, at least, three years continuous service herein next preceeding his appointment.

The Adjutant General and Assistant Adjutant General shall perform all the duties of the several staff departments heretofore or hereafter to be created by law.

The Commander in Chief by order shall designate which of the said duties shall be performed by the Assistant Adjutant General and may by such order designate the Assistant Adjutant General to be the Accounting Officer and Disbursing Officer of funds and property received by the state of West Virginia from the United Stater Government.

The Commander in Chief shall require from the Adjutant General a bond in the penalty of \$———— and from the Assistant Adjutant General a bond in the penalty of \$———— with good personal security conditioned by law to be approved by and filed with the auditor.

The Adjutant General shall receive as compensation for his services the sum of \$———— per annum, which shall be paid him in equal monthly installments. The Assistant Adjutant General shall receive the same pay and allowance of a Lieutenant Colonel of the United States Army.

But no officer holding a commission from the state of West Virginia shall receive pay or allowances from both the United States and the state for the same duty, provided, however, that this shall not apply to the officers or enlisted



men who attend a National encampment, maneauvers or rifle range, wherein the pay allowed by the National government is less than the allowances fixed herein. The Commander-in-Chief may by order pay them out of the state treasury the difference between the government pay and the pay provided herein.

The Commander-in-Chief shall by order designate the Adjutant General or the Assistant Adjutant General Brigade Commander and the Brigade Commander shall in turn detail a sufficient staff from the several regiments.

#### SECTION TWELVE.

The West Virginia National Guard shall consist of the Adjutant General's Department, composed of an Adjutant General and the Assistant Adjutant General which shall perform all the duties of the Inspector General's Department, Quartermaster Department, Subsistance Department and Pay Department.

A Medical Department, the head of which shall be a Lieutenant Colonel, a Hospital Corps, and two regiments of infantry.

The present regimental organization to remain as now established but the Commander-in-Chief shall have power to and is hereby required from time to time by order to change the regimental, battallion and company organization, system of drills and instruction to conform to that of the regular army of the United States.

In time of war or any other time if in the opinion of the Commander-in-Chief a brigade organization becomes necessary he shall by order organize a brigade in conformity to the laws of the United States and orders of the War Department and provide for a Brigade Commander other than the Adjutant General or Assistant Adjutant General who shall be selected in the manner required by law and for a Brrigade Staff to consist of the same officers and of a like grade of those of the United States Army, but no officer shall be ap-



pointed on said staff unless he, at the time of such appointment, be a member of the National Guard of this state or of the United States Army and have had at least three years continuous service therein next preceeding such appointment."

First: Do these proposed changes conflict with the United States law?

We say not.

By an Act approved January 21, 1903, and amended by an Act approved May 27, 1908, known as the Dick Act, Section 3, in part reads. "On and after January 21st, 1910, the organization, armament and discipline of the organized militia in the several states and territories and the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the regular army of the United States, subject in time of peace to such general exceptions as may be authorized by the Secretary of War; provided, That in peace and war each organized division of Militia may have one inspector of small arms practice with the rank of Lieutenant Colonel; each organized brigade of militia one inspector of small arms practice with the rank of Major; each regiment of infantry or cavalry of organized militia one assistant inspector of small arms practice with the rank of Captain, and each separate or unassigned battalion of infantry or engineers or squadron of cavalry of organized militia one assistant inspector of small arms practice with the rank of First Lieutenant: Provided, also, that the President of the United States in time of peace may, by order, fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps and hospital corps."

What does this act require—not that each state have a military establishment to correspond in every detail to that of the United States Army?—not a miniature army, if you please, consisting of the numerous staff departments, special organizations, war and staff colleges, artillery, engineer



and signal corps, but upon the contrary it is an attempt to fix the regimental, battalion and company organization upon a uniform plan so that when called out in the service of the United States each organization of the several states will correspond to that of the other States and of the United States. This theory is certainly consistent with the well known purpose for which the Dick Act was adopted, that is, that the National Guard shall be in fact what it is in name, a National Guard or Reserve. This will be borne out by a close reading of the section above quoted after the "proviso" "That in peace and war each organized division of militia may have one inspector of small arms practice with the rank of lieutenant colonel; each organized brigade of militia one inspector of small arms practice with the rank of Major; \* \* \* clearly showing that it was contemplated that in some of the smaller states they would not have the larger organization of troops, that is corps, divisions and brigades.

Second: If the proposed amendments are in conflict with the Dick Act wherein do they differ in spirit or principle from Sections 9, 10 and 11 of House Bill 242, except in so far as they reduce as we think expenses by doing away with certain offices, whom we think can be dispensed with without detriment to the Guard. Section 8 of House Bill 242 provides for the Staff of the Commander-in-Chief of

One Adjutant General, with rank, etc., six Aides with rank not above that of Colonel; and an honorary staff with any rank desired not to be part of the organized militia, and further prescribes the duties of the Adjutant General.

Section 8 of the amendment suggested by ourselves provides for the Staff of the Commander-in-Chief as follows:

One Adjutant General with rank of Brigadier General.

One Assistant Adjutant General with rank of Colonel.

One Medical Officer with rank of Lieutenant Colonel.

Six Aides to be detailed from the line and field officers of the regiments. Provides for the qualification, selection and appointments and the duties that shall be apportioned



between them and permits the Governor by order to designate as the Adjutant General, the Assistant Adjutant General (if he should be the active man in the Guard) to act under Section 12 of the Dick Act, so that he can be held legally for property responsibility and also that one or the other can be designated to act as Brigade Commander in the event of civil disorder when both regiments be ordered out, thus having present a personal representative in the field.

Section 9 of House Bill 242 provides that the West Virginia National Guard shall consist of

Adjutant General's Department.

Inspector General Department.

Quartermaster Department.

Subsistence Department.

Pay Department.

Medical Department.

Corps of Engineers.

Signal Corps.

Hospital Corps.

Brigade of Infantry.

And that the regimental, battalions, etc., *shall remain as now established*, but that the Governor shall have power to alter, etc.,

Section 12 of the same Act provides that a regiment of infantry shall "consist of \* \* \* \* \*" in direct conflict with the clause last quoted in Section 9 of said Act.

The organization of the Hospital Corps and the Brigade organization with a staff of seven officers, five of whom are Majors and a further provision that such other officers may be detailed for duty, etc., on the Brigade Staff.

Section 16 provides for a Medical Corps.

Section 21 provides for a Hospital Corps.

Section 12 as proposed in our amendment provides for an Adjutant General's Department composed of two officers.

This department to perform all the duties of the Staff Department mentioned above, except the Medical Depart-



ment, the head of which is the Lieutenant Colonel herein provided for.

That the regimental organization to remain as now established and gives the Governor, as the Commander-in-Chief, power to and requires him by order from time to time to change the regimental, battalion and company organizations to conform to that of the Regular Army of the United States (see section 3 of Dick Act), providing further that at any time should a Brigade organization be necessary he shall by order organize it in conformity to the laws of the United States and orders of the War Department, see Section 3, Dick Act.

If the amendments, as proposed by ourselves, are in any wise in conflict with the Dick Act wherein can it be said that House Bill 242 is not in conflict therewith also?

Does it not appear that the whole purpose of the amendments as proposed by ourselves is to track up with the Dick Act and in letter and in spirit conform thereto? And in addition to the advantage of the state in dispensing with a large and expensive Brigade organization that is both expensive and impractical and we venture to say useless.

#### ARGUMENT.

If from reading the above it is concluded that the amendments as proposed by ourselves are not in conflict with the Dick Act and we feel that this conclusion is irresistible, it is urged as a further reason for the adoption thereof that it is the purpose of both state and national governments in making appropriations for militia to "increase the efficiency thereof" and all means to that end are to be encouraged. In working to this end it must be kept in view that the conditions of American life are changing rapidly, that a half century ago the percentage of our population that were agricultural and frontier people accustomed to out door life and use of fire arms were much larger than at present and further that the modern military rifle is an entirely different affair



from the old fashioned squirrel rifle, skill in the use of which told with such terrible effect in the battle of Kings Mountain and at New Orleans—it requires for its use the same qualities of eye and nerve necessary for the use of the older rifle and in addition thereto careful and systematic instructions as to its parts and its use—the old rifle was effective in the hundreds of yards, the new in thousands of yards—to best promote efficiency in the knowledge and use of the rifle is the primary purpose of the National Guard, every dollar used for that purpose is properly appropriated, every dollar not spent or that does not directly contribute thereto is not properly appropriated.

What then is the best organization to effect these purposes and at the same time have an organization that can best be used to uphold the state laws in time of disorder or insurrection, and to respond to the call of the President for use in the time of war? We confidently assert two regiments of infantry in exact conformity with those of the regular army.

Why? Because as a rule the infantry regiment is the largest organization whose component parts are unchangeable—it is administrative as well as tactical body—when called out it is complete in itself and can take care of itself—general order 38, A. G. O. U. S., 1898, gives its strength at 1592 enlisted.

Should both regiments in our state be called out at once on account of civil disorder under the proposed amendment the Adjutant General—or Assistant General—could take command of both regiments as personal representative of the Commander in Chief. If both regiments should be called out by the United States authorities in all probabilities they would be assigned to different brigades and not see each other during the entire service as was the case in 1898.

What good purpose then does the elaborate staff provided for now in the present Military Code and in House Bill 242 serve? The Commander-in-Chief (Governor) is charged with “the maintenance of the efficiency of his army and the proper conduct of military operations; and his responsibility



extends to multifarious details, \* \* \*” how can he best accomplish that purpose at the least expense and not decrease or impare the efficiency of the Guard? All permanent records except regimental are kept in the Adjutant General's office, all property of every description is kept there, all returns are made therefrom, the law (Dick Act) requires that there shall be appointed an Adjutant General to make reports, etc., to the Secretary of War. Then the Adjutant General is necessary and the logical officer and he together with his Assistant Adjutant General should perform each and all the duties of the several staff departments, except those of the Chief Medical officer which are technical and necessary.

What then is there left for the brigade organization to do during the year or at annual encampments? During the year there is no system of records required for it to keep up, there are no duties for the Brigade Commander or any of his staff to perform—it is true now some records are kept by the Brigade Adjutant General and there is a constant wrangle as to what should be done by the brigade and what by the Adjutant General's office and all records kept by the brigade could be and should be kept at the Adjutant General's office—at camp there are no duties for the Brigade Commander and Staff, except the Chief Medical officer and the duties now performed by the Quartermaster and Commissary Officer should and could with more satisfaction to the regimental organizations be performed by the regimental Quartermaster and Commissary, except to appear at parade or review. Brigade drills are not necessary for the company, battalions and regiments and are not now attempted in the United States army and Brigade Commanders are required to work out problems in strategy and tactics. This our Brigade Commander has no opportunity to do at the state camps and at the United States maneuver camps our regiments in each of the two they have attended have been assigned to different brigades and there has been no place for the Brigade Commander or his staff other than that of spectators.

Thus, if the brigade organization is not necessary during



the year and not needed at camp the only other time possible it could be useful would be in time of riot or civil disorder. The Guard has been out once since 1895, that was in 1902 on New River, then one regiment only was out and the Colonel was in command of it. The Brigade Commander was not on the ground and the Governor sent the Assistant Adjutant General to act as his personal representative. Therefore, in more than ten years the brigade organization has done nothing except to hold review at annual encampments the cost of which can be ascertained by an inspection of the records of the Adjutant General's office and which we understand is a large amount annually.

We submit that West Virginia, as shown by the report of the Adjutant General has less than one full regiment of infantry, yet, under the present law it has the General Staff, a Brigade Commander and his staff, together consisting of seventeen officers of the rank of Major and higher and two Aides with the rank of Lieutenant. Under House Bill 242 is proposed a General Staff and Brigade Commander and his staff which consists of seven officers with provision for "additional Aides by detail," at camp or on other duties these officers do now and will continue to receive full pay. The staff of General Grant as Commander-in-Chief of the Army of the Potomac consisted of exactly twenty officers including the Provost Marshal, demonstrating without regard to the question of expense, the ridiculousness of an army composed of less than one regiment of infantry having a staff, including the Brigade Commander of nineteen officers, compare this with the proposition of staff officers of the magnificent army of the Potomac. Is it unlike the army of Haiti, that consists of 650 men and ten Brigadier Generals? It is further submitted that an Engineer Corps, and Signal Corps are what are known as special troops, and the members thereof are supposed to be men with special training, that is to say, skilled mechanics, electricians and telegraph operators. The proportion that these troops bear to the infantry arm of the service is very small, in the United States Army with a division,



that consists of nine regiments of infantry, there is assigned four companies of Engineer troops and one company of Signal troops—what proportion of these troops should go with one thousand infantry is a question of calculation—clearly showing the impracticability of organizing these branches in this state as we have less than a regiment of infantry.

There has never been an engineer Corps in this state and none is needed. The only duties the Engineer Department would be required to perform is that of laying off a state camp which is now held perhaps every other year, this can be done more cheaply by a civilian engineer than by having an Engineer officer on the Staff. Some years since it was attempted to organize a signal corps but it was found impracticable by reason of inability to get suitable material and the corps was mustered out after a great cost to the state and with no practical results.

Therefore, in conclusion, it is respectfully submitted that the cheapest, best and most practical thing to do is to have the National Guard consist of:

Two regiments of infantry.  
Adjutant General's Department.  
Medical Department.

Use every dollar now or that may hereafter be appropriated to increase the efficiency of the officers of the line, field and staff of the regiments and the enlisted men, dispense with every additional officer that draws pay that is not necessary under the requirements of the Dick Act and best to accomplish this purpose, we believe, to is adopt the two amendments proposed to sections 8 and 12 of the present Military Code.

Very respectfully,  
GEO. S. WALLACE,  
Captain Second Infantry.



