

The Dick Bill

A number of Commoner readers have asked for information concerning the "Dick Militia Law." So many have requested information on this point that while considerable space is necessary to print the law, it is believed that the best way to comply with the many requests is to print it in full.

This bill was introduced in the 57th congress by Charles Dick, then a congressman from Ohio, and United States senator. It was approved by the president January 21, 1903. The bill was entitled "An Act to Promote the efficiency of the Militia and Other Purposes," and was as follows:

Be it enacted by the senate and house of representatives of the United States of America in congress assembled, That the militia shall consist of every able-bodied male citizen of the respective states, territories and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than eighteen and less than forty-five years of age, and shall be divided into two classes—the organized militia, to be known as the national guard of the state, territory, or District of Columbia, or by such other designation as may be given them by the laws of the respective states or territories, and the remainder to be known as the reserve militia.

Section 2. That the vice-president of the United States, the officers, judicial and executive, of the government of the United States, the members and officers of each house of congress, persons in the military or naval service of the United States, all custom-house officers, with their clerks, postmasters and persons employed by the United States in the transmission of mail, ferrymen employed at any ferry on a post road, artificers and workmen employed in the armories and arsenals of the United States, pilots, mariners actually employed in the sea service of any citizen or merchant within the United States, and all persons who are exempt from militia duty, without regard to age; Provided, that nothing in this act shall be construed to require or compel any member of any well-recognized religious sect or organization at present organized and existing whose creed forbids its members to participate in war in any form, and whose religious convictions are against war or participation therein, in accordance with the creed of said religious organization, to serve in the militia or any other armed or volunteer force under the jurisdiction and authority of the United States.

Section 3. That the regularly enlisted, organized, and uniformed active militia in the several states and territories and the District of Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section sixteen hundred and sixty-one of the revised statutes of the United States as amended, whether known and designated as national guard, militia, or otherwise, shall constitute the organized militia. The organization, armament, and discipline of the organized militia in the several states and territories and in the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the regular and volunteer armies of the United States, within five years from the date of the approval of this act: Provided, 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

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corps, engineer corps, and hospital corps; And Provided Further, that any corps of artillery, cavalry and infantry existing in any of the states at the passage of the act of May eighth, seventeen hundred and ninety-two, which by the laws, customs, or usages of the said states have been in continuous existence since the passage of said act under its provisions and under the provisions of section two hundred and thirty-two and sections sixteen hundred and twenty-five, to sixteen hundred and sixty, both inclusive, of title sixteen of the revised statutes of the United States relating to the militia, shall be allowed to retain their accustomed privileges, subject nevertheless, to all other duties required by law in like manner as the other militia.

Section 4. That whenever the United States is invaded, or in danger of invasion from any foreign nation, or of rebellion against the authority of the government of the United States or the president is unable, with the other forces at his command, to execute the laws of the union in any part thereof, it shall be lawful for the president to call forth, for a period not exceeding nine months, such number of the militia of the state or of the states or territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws and to issue his orders for that purpose to such officers of the militia as he may think proper.

Section 5. That whenever the president calls forth the militia of any state or territory or the District of Columbia, to be employed in the service of the United States, he may specify in his call the period for which such service is required, not exceeding nine months, and the militia so called shall continue to serve during the term so specified, unless sooner discharged by order of the president.

Section 6. That when the militia of more than one state is called into the actual service of the United States by the president he may, in his dis-

cretion, apportion them among such states or territories or to the District of Columbia according to representative population.

Section 7. That every officer and enlisted man of the militia who shall be called forth in the manner hereinbefore prescribed and shall be found fit for military service shall be mustered or accepted into the United States service by a duly authorized mustering officer of the United States; Provided, however, that an officer or enlisted man of the militia who shall refuse to neglect to present himself to such mustering officer upon being called forth as herein prescribed shall be subject to trial by court-martial, and shall be punished as such court-martial may direct.

Section 8. That courts-martial for the trial of officers or men of the militia, when in the service of the United States, shall be composed of militia officers only.

Section 9. That the militia when called into the actual service of the United States shall be subject to the same rules and articles of war as the regular troops of the United States.

Section 10. That the militia, when called into the actual service of the United States shall, during their time of service be entitled to the same pay and allowances as are or may be provided by law for the regular army.

Section 11. That when the militia is called into the actual service of the United States, or any portion of the militia is accepted under the provisions of this act, their pay shall commence from the day of their appearing at the place of company rendezvous. But this provision shall not be construed to authorize any species of expenditure previous to arriving at such places of rendezvous which is not provided by existing laws to be paid after their arrival at such places of rendezvous.

Section 12. That there shall be appointed in each state, territory and District of Columbia, an adjutant general who shall perform such duties as may be prescribed by the laws of such

state, territory and district, respectively, and make returns to the secretary of war, at such times and in such form as he shall from time to time prescribe, of the strength of the organized militia and also make such reports as may from time to time be required by the secretary of war. That the secretary of war shall, with his annual report of each year, transmit to congress an abstract of the returns and reports of the adjutants-general of the states, territories, and the District of Columbia, with such observations thereon as he may deem necessary for the information of congress.

Section 13. That the secretary of war is hereby authorized to issue, on the requisitions of the governors of the several states and territories, or of the commanding general of the militia of the District of Columbia, such number of the United States standard service magazine arms, with bayonets, bayonet scabbards, gun slings, belts, and such other necessary accouterments and equipments as are required for the army of the United States for arming all of the organized militia in said states and territories and District of Columbia, without charging the cost or value thereof, or any of which have been issued since December first, nineteen hundred and one, or any expense connected therewith, against the allotment of said state, territory or District of Columbia, out of the annual appropriation provided by section sixteen hundred and sixty-one of the revised statutes, as amended, or requiring payment therefor, and to exchange, without receiving any money credit therefor, ammunition, or parts thereof, suitable to the new arms, round for round, for corresponding arms.

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