

CITIZEN SOLDIERS: THE MILITIA

The story of America's citizen soldiers shows that the militia and the Second Amendment are not obsolete. The populace at large will always fulfill essential militia functions.

by *Michael E. Telzrow*

When the English first landed in Virginia in 1607, they began a long process of transplanting their political, cultural, and military institutions to the New World. In addition to introducing their version of the Christian faith, they brought with them a traditional fear of a standing army, and a reverent faith in the common militia system.

The militia system, based upon universal military service for able-bodied men, played an integral part in the founding of America. Transplanted from England, but modified to meet the requirements of a new environment, it enabled colonists to subdue the native population and to defend British interests from foreign incursion. But beyond that, it imbued Americans with a sense of martial responsibility, and a love of freedom that ultimately enabled them to achieve independence and forge a new country out of what was once a community of loosely united colonies.

New World Defense

English colonists to the New World faced a hostile environment. It is estimated that 300,000 Indians occupied the lands east of the Mississippi at the time of English arrival on the Eastern shores of America. Cautiously friendly at first, the native inhabitants became increasingly aggressive in the face of English incursion and maltreatment.

English colonists faced additional threats that, in many ways, were more dangerous than a hostile native population. To the south of its mid-Atlantic possessions,

England's traditional enemy Spain held power over Florida. To the north and west lay the French presence, while the mercantilist Dutch forged new settlements in what would become the New York region. The threat of war loomed constantly on a continent divided by religion, nationality, ethnicity, and economic philosophy.

This hostile environment profoundly affected the new colonies. Though the Crown authorized land grants for settlement, it simply did not have the financial resources to maintain a colonial defense force. Common defense was by necessity a colonial responsibility. In response to the native and foreign threat, virtually all of the colonies adopted the militia system for local defense.

The principle of military obligation for all able-bodied men was central to an effective militia system. It is likely that many male colonists would have been familiar with the militia systems from their homeland. Very few, however, were experienced professional soldiers. Therefore, the early colonial expeditions were led by experienced military men.

Jamestown's Virginia Company employed Captain John Smith, a seasoned veteran of numerous European wars, while the Plymouth Colony relied upon Captain Miles Standish for military guidance. Although they imported the tradition of the English militia system, it soon developed into a uniquely American institution.

The danger from attack by Indians and competing European powers turned colonial settlements into armed enclaves. All able-bodied men were automatically required to lend service to the militia. The traditional age limits of 15 to 60 were normally observed with some deviation from colony to colony.

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The company functioned as the primary unit of organization. Company strength varied according to locale and ranged widely in number from 10 to 200 men. A full strength company was commanded by a captain with a lieutenant and ensign following in chain of command. A corps of non-commissioned officers included varying numbers of sergeants and corporals.

Militia leadership was primarily the domain of wealthy landowners who, quite often, held political office. Generally, the governor and legislative bodies possessed the authority to select regimental officers. Initially, the governors held dominant power, but colonial assemblies feared the abuse of gubernatorial power and the leg-

islative branch gained control over military appropriations.

Local Defense Force

By definition, the common militia was a local defense force. Only on rare occasions did the militia manage to carry warfare to a remote enemy. New England militia successfully did it during the Pequot War of 1637, but essentially, geographical

limitations kept the militia close to home. Consequently, it became common practice for militia companies to refuse service outside their defined boundaries.

Virginia's Governor Spotswood found it impossible to successfully address the problem in 1713. At a time when Tuscarora Indians were menacing the frontier, Virginia Tidewater militiamen refused to muster on the grounds that the danger was remote and did not threaten their households. During the French & Indian War, George Washington found his efforts hampered by these geographical limitations, as he was unable to deploy Virginia troops in the Ohio Country because it lay outside the accepted boundaries of Virginia.

The militia also operated under strict

duration limits. Agriculture demanded labor, and militiamen could not remain on campaign for extended periods of time. Accepted duration limits varied between colonies, but the average maximum period of deployment rarely exceeded three months.

With the westward advancement of the frontier and the diminution of the Indian threat, the settled areas of the eastern seaboard experienced a structural and cultural evolution among the militia. Muster days were held less frequently, and more often were seen as occasions for social and ceremonial gatherings. Age restrictions became more limited, and exemptions from service were given more readily.

Each colony dealt with the change differently. In most colonies far removed from European or Indian threats, militia laws were rarely enforced. Those colonies that still faced a potential threat continued to employ a vigorous militia system, and it remained a viable institution in much of New England and the southern colonies. Elsewhere, the common militia typically functioned as a posse comitatus.

Militia Resurgence

The bitter colonial wars fought between 1689 and 1763 profoundly affected the nature of the militia system. To meet the demands of extended offensive and defensive operations, the colonies resorted to crafting a more flexible version of the common militia system. This new system was built around the concept of a volunteer militia.

In its simplest form, the volunteer militia was comprised of volunteers from the common militia. These men were a part of the militia, yet they procured arms and equipment at their own expense. Volunteer militia units enjoyed immense popularity in urban centers where members resided in close proximity. They drilled apart from the common militia and assumed a social as well as military status.

Provincial volunteers further augmented the military



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Bunker Hill: In the first major open-field battle between the American patriots and the British, the British took the contested hills, but they sustained heavy losses. Later battles showed that the American militiamen were usually as good as the men leading them.

manpower pool. These men offered their services to quasi-standing armies for offensive expeditions. They had marched west with Lord Dunmore in 1774 to punish the Shawnee, and later with George Rogers Clark into Illinois country to eliminate the British presence.

When a military expedition was planned, the common militia was not called out as in earlier periods. Instead, commissioned officers were called upon to establish and meet specific manpower quotas for each district. These new provincial armies were used to augment the increasing number of British professionals arriving in the colonies. Later, they were called upon to fight against the same British troops.

Independence and Reform

At the conclusion of the French and Indian War, England became the holder of a vast empire. Along with the acquisition of large tracts of land came the increasing responsibility of defense for a growing colony. So, the burden of defense shifted from the colonies to the Mother Country, and English troops were stationed in America in ever increasing numbers.

But the militia system did not entirely fade away. Although it had evolved into a quasi-professional volunteer system, it continued to remain a cherished institution in the minds of most Americans. Men like Timothy Pickering, later Quartermaster General of the Continental Army, called for the strengthening of the militia through reform. Pickering argued for compulsory service and the abolition of liberal exemption and substitution laws. He echoed the sentiments of earlier opponents of standing armies, proclaiming that the citizen soldier was a guarantor of free society.

Pickering's call for a strengthened militia did not go unheeded. Colonial assemblies revamped the militia system by increasing the frequency of training days, assessing fines for missing musters, and reducing exemptions. On the eve of the War for Independence, Tory officers and loyalists were thrown out of the militia in several colonies.



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Call to action: Wherever the British marched, Minutemen quickly gathered to attack them. Militiamen were also expected to guard forts and towns and respond to any hostile forces, including Indians and brigands.

New Strategy

But the war with Britain could not be fought by the militia alone. Defeating British regulars would take professional soldiers.

Although most Americans still mistrusted a standing army, the decision was made to create a Continental Army. Despite the rebirth of the militia, Congress felt that a small professional force, augmented by the militia, was essential to obtain a favorable outcome to the war. In addition, George Washington held the militia in low regard; his negative experiences with them during the war with France were still fresh in his mind. Thus, the concept of the “dual army” tradition was born. Within this model, the militia provided substantial numbers of partially trained soldiers. They were not expected to face British regulars alone, although they did so at times with good results, but in most cases fought alongside Continental troops.

Despite Washington's aversion to the militia he was forced to rely heavily upon them. There were simply too few Continental soldiers available and even fewer experienced officers. His successes in Delaware following the retreat from New York

were achieved largely through the efforts of militiamen who remained at his side despite their expiration of enlistments. Indeed, most men chose state militia service over regular soldiery. Among the militia there was no stigma attached to military service, and geographical and enlistment limitations ensured relatively brief service enlistments for citizen soldiers.

Congress tried to augment the number of Continental soldiers by offering bounties and land grants, but the army never reached its full paper strength. Although the Continental Army was the backbone of effective resistance, the militia provided crucial manpower support. In addition to augmenting Continental troops, the militia fought against Indians in the Northwest, garrisoned forts, and patrolled against slave uprisings.

Battlefield Performance

Militia battlefield performance was mixed, its successes often dependent upon the caliber of its commanding leaders. Under the command of men like Daniel Morgan, the militia could prove an effective fighting force. Their performance at Cowpens under Morgan was masterful. Morgan

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was keenly aware of their limitations and strengths and skillfully used them to induce British Colonel Banastre Tarleton's men into a recklessly aggressive frontal attack.

On the other hand, they performed miserably at Camden. Under Horatio Gates, 2,500 inexperienced and poorly fed North Carolina and Virginia militiamen broke and ran before British regulars. Asked to perform difficult field maneuvers, the militia were simply too inexperienced to comply. For many, it was the first time that they had seen the enemy. Unlike Morgan,

who realized the limitations of poorly trained militia, Gates committed his militia to a battlefield situation that they were ill-prepared to meet.

Although the militia performed miserably at Camden, they fought superbly elsewhere. At Bennington, Vermont, militiamen crushed British regulars sent by "Gentleman Johnny"

Burgoyne to raid a patriot supply depot. Prior to his ultimate surrender at Saratoga, Burgoyne ruefully remarked, "Wherever the King's forces point, militia to the amount of three or four thousand assemble in twenty-four hours."

In the southern theater, at Eutaw Springs, South Carolina militia formed the first line of attack and performed like veteran regulars, winning praise from General Nathanael Greene, who compared them to Prussian infantry — high praise for the time period. These militiamen were not the inexperienced types that left the field at Camden in disgrace, but were rather

battle-hardened veterans. When properly led by men who understood their capabilities, the militia could perform reasonably well.

A Well-established Militia

The end of hostilities prompted questions related to the defense of the country. The militia had demonstrated its effectiveness in the early Indian wars, and to a large degree successfully augmented the regular forces during the wars against European rivals and the war for independence. Aware of the cultural fear of a large standing army, Congress appointed a committee to develop a suitable defense policy in April 1783. Chaired by Alexander Hamilton, this committee sought the advice of experienced military men.

Ultimately, Hamilton's committee endorsed a plan that placed reliance on a small standing army, but against a suggested national, federally controlled militia. Anti-nationalists controlled Congress, and they viewed a regular army as the first step toward the establishment of a strong,

Militia in action: At the outset of the War for Independence, citizen soldiers faced off against British troops at Lexington Green only to be driven from the field. But subsequent militia actions beginning at Concord Bridge with "The Shot Heard 'Round the World" bloodied the British as they pulled back to Boston: 247 British soldiers were killed or wounded compared to the militia's 88.



and potentially oppressive, national government. Hamilton's plan was rejected, and on June 2, 1784, the army was reduced to 80 men and officers. The question of how to provide for the common defense was left unanswered, but a lingering British presence in the West demanded that the issue be resolved.

In response, Congress created the 1st American Regiment. Drawn from four states, called to raise 700 militiamen per year, it was the first national peacetime force in America's young history. Congress allotted funds to pay for the regiment, but it depended upon the states to provide the manpower. When the initial enlistments expired, Congress made it a regular regiment by calling for three-year recruits. So in effect, Congress had established a small standing army.

The experiment failed, however, when it became apparent that the regiment could not adequately deal with the British threat and Indian presence on the frontier. Furthermore, the limited nature of the Confederation's congressional powers contributed to military weakness by making it difficult to raise troops. The military question remained unresolved until

the Constitutional Convention settled the question.

In an effort to provide a balance between providing for the "common defense" and insuring "domestic tranquility," military power was divided between the federal government and the states. Congress was now able to maintain an army and navy, and had the power to collect taxes to ensure their existence. The Second Amendment guaranteed the states the authority to train a militia and appoint its officers, as well as the right of private individuals to bear arms. Congress, however, reserved the right to declare war and to call out the militia to "execute the laws of the Union, suppress insurrections and repel invasions." Thus, the dual army model became a permanent fixture in American policy.

The militia remained viable, and further legislation under the Uniform Militia Act of 1792 codified and solidified the concept of universal military service. It required the enrollment of all able-bodied white men between the ages of 18 and 45. As in the old common militia system, men were required to arm and equip themselves at their own expense. The federal govern-

ment declined to impose penalties for non-compliance with militia regulations, and the states were left to handle the situation as they pleased. In the long run, the act didn't organize state militias along national lines.

The Citizen Soldier

Subsequent American wars saw a continued use of the militia to augment regular troops. Mounted Kentucky militia helped defeat Tecumseh's Indian Confederacy at the Battle of the Thames in 1813, and Andrew Jackson's stunning victories at New Orleans and Horseshoe Bend would not have been possible without militia assistance.

After the War of 1812, the militia faded into disuse, and except for some action against the Seminoles in Florida, it had largely ceased to exist except on paper. The War with Mexico and the War Between the States, however, brought about a resurgence in state volunteer militia systems and provided the bulk of the men in uniform for the latter.

The spirit of the militia continued to live in the post-war volunteer companies made up of civic-minded men, and in the



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minds of Americans who remembered its victories and had forgotten its failures. For them, the image of the citizen soldier standing shoulder to shoulder at Concord or New Orleans was enshrined in their hearts, and came to symbolize America's fiercely independent nature.

Today, the right to bear arms guaranteed in the Second Amendment is under constant threat from opponents of an armed citizenry. Anti-Second Amendment agitators erroneously claim that an armed citizenry was valid only in the context of the ancient militia system, and that national guards and federal armed services render the idea obsolete, thereby abrogating the right to bear arms. Largely forgotten in the argument is the fact that the militia's status as a local defense force was co-equal with its role as a guarantor of freedom.

Tench Coxe, defender of the Constitution and Bill of Rights, understood the central importance of the militia, and by extension an armed citizenry. In the February 20, 1788 edition of the *Pennsylvania Gazette* he wrote:

The powers of the sword, say the minority of Pennsylvania, is in the hands of Congress. My friends and countrymen, it is not so, for the powers of the sword are in the hands of the yeomanry of America from sixteen to sixty. The militia of these free commonwealths, entitled and accustomed to their arms, when compared with any possible army, must be tremendous and irresistible. Who are the militia? Are they not ourselves? Is it feared then, that we shall turn our arms each man against his own bosom? Congress have no right to disarm the militia. Their swords, and every other terrible implement of the soldier, are the birth-right of an American.... The unlimited power of the sword is not in the hands of either the federal or the state governments, but where I trust in God it will ever remain, in the hands of the people.

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