

TITLE 32.—NATIONAL GUARD

Chapter 1.—COMPOSITION, ORGANIZATION, AND CONTROL GENERALLY.

★ **Section 17. Rules and regulations.**—The President shall make all necessary rules and regulations and issue such orders as may be necessary for the thorough organization, discipline, and government of the militia provided for in this title.

This section constitutes § 118 of Act June 3, 1916, c. 134, 30 Stat. 213. It was omitted from the Code but would seem to be still in force.

Chapter 2.—FUNDS FOR SUPPORT OF NATIONAL GUARD.

★ **Section 23. Proceeds of sale of disused target ranges.**—

"section 49" in last line of this section should read "sections 21 and 22."

26. Reduction of certain units to meet appropriation.—

The statutory provision constituting § 20 of this title was repealed in the War Department Appropriation Acts of Apr. 15, 1920, c. 140, Title I, 44 Stat. 282, and Feb. 23, 1927, c. 107, Title I, 44 Stat. 1133.

Chapter 3.—ARMAMENT, EQUIPMENT, AND SUPPLIES.

Section 32. Purchase of and accountability for arms and equipment.—

"Feb. 12, 1887, c. 120, § 3, 24 Stat. 402" should precede the citation at the end of this section as an additional citation.

36. Issue of automatic pistols.—

It seems probable that the provisions of the Act embodied in this section were superseded by the provisions of the National Defense Act constituting §§ 33 and 40 of this title.

42. Care of animals; armament, etc.—Funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for animals owned or hired by any State, Territory, District of Columbia, or National Guard organization, not exceeding the number of animals authorized by Federal law for such organization and used solely for military purposes, and for the compensation of competent help for the care of material, animals, armament, and equipment of organizations of all kinds, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be so compensated shall not exceed five for each organization, except heavier-than-air squadrons, for each of which a maximum of ten to be so compensated is hereby authorized, and shall, save as otherwise provided in the next succeeding proviso, be duly enlisted therein and detailed by the organization commander, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia: *Provided further*, That in each heavier-than-air squadron one caretaker may be a commissioned officer not above the grade of first lieutenant, and that in any organization whenever it shall be found impracticable to secure the necessary competent caretakers for the material, animals, armament, or equipment thereof from the personnel of such organization, the organization commander may employ one civilian caretaker (thereof who shall be entitled to such compensations² as may be fixed by the Secretary of War: *Provided further*, That nothing in this section shall be held to increase the number of commissioned officers authorized by law.

The statutory provision constituting § 42 of this title was amended to read as above by § 1 of Act May 28, 1926, c. 417, 44 Stat. 673, entitled "An Act to amend in certain particulars the National Defense Act of June 3, 1916, as amended, and for other purposes." Matter in italics new. Omissions: "enlisted," "of any organization from the duly enlisted personnel thereof," "compensation."

44. Issue of clothing, equipment, etc.—

The statutory provisions constituting § 44 of this title was repeated in the War Department Appropriation Acts of Apr. 15, 1926, c. 140, Title I, 44 Stat. 282, and Feb. 23, 1927, c. 107, Title I, 44 Stat. 1132.

Chapter 4.—INSTRUCTION, TRAINING, AND DISCIPLINE.

Section 64. Camps for instruction of officers and enlisted men.—Under such regulations as the President may prescribe the Secretary of War may provide for assemblages of officers, warrant officers, and enlisted men of the National Guard for the purpose of attending schools to be conducted by officers of the Regular Army detailed by the Secretary of War for that purpose or for the purpose of participating in small arms competitions. Such assemblages may be held either within or without the State, Territory, or District of Columbia, to which the members of the National Guard designated to attend them shall belong.

The statutory provision constituting § 61 of this title was amended to read as above by a part of § 2 of Act May 28, 1926, c. 417, 44 Stat. 674, entitled "An Act to amend in certain particulars the National Defense Act of June 3, 1916, as amended, and for other purposes." Numerous changes.

65. Officers or enlisted men selected to attend service schools or to receive practical routine instruction during field exercises.—Under such regulations as the President may prescribe, the Secretary of War may, upon the recommendation of the governor of any State or Territory, or the commanding general of the National Guard of the District of Columbia, authorize a limited number of selected officers, *warrant officers*, or enlisted men of the National Guard to attend and pursue a regular course of study at any military-service school of the United States, except the United States Military Academy, or to be attached to an organization of the same arm, corps, or department to which such officer or enlisted man shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises.

The statutory provision constituting § 65 of this title was amended to read as above by a part of § 3 Act May 28, 1926, c. 417, 44 Stat. 674. Matter in italics new.

For title of Act see note to § 61.

Chapter 5.—CALL OR DRAFT INTO FEDERAL SERVICE.

★ **Section 81a. Authority to call forth militia.**—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 regular forces at his command to execute the laws of the Union, it shall be lawful for the President to call forth 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 through the governor of the respective State or Territory, or through the commanding general of the Militia of the District of Columbia, from which State, Territory, or District such troops may be called, to such officers of the militia as he may think proper.

This section constitutes § 4 of Act Jan. 21, 1903, c. 106, 32 Stat. 776, as amended by § 3 of Act May 27, 1908, c. 204, 35 Stat. 400. It was inaccurately stated in the Code and is reprinted here with corrections.

84. Drafting Philippine Militia into Federal service.—

"40 Stat." in citation to this section should read "40 Stat. 432."

Chapter 8.—ENLISTED FORCE.

★ **Section 121. Enlisted strength of National Guard.**— * * * : *Provided further*, That the word Territory as used in this title and in all laws relating to the land militia and National Guard