

NEW YORK STATE'S SEA SERVICE

**THE NAVAL MILITIA IS AN OLD CONCEPT THAT IS ONCE AGAIN
DEMONSTRATING ITS RELEVANCE DURING THE WAR ON TERROR**

RICHARD H. WAGNER

(Originally published in *The Log*, Navy League of the United States, New York Council, Winter 2005)

The New York State Naval Militia may be the least well known of the sea services active in New York. However, with approximately 4,500 people serving in the Naval Militia, it is a significant formation. It has a long and proud history that includes service in every national conflict since the Spanish American War as well as in tragedies that directly focused on New York such as the crash of TWA Flight 800. Moreover, as the global war on terror has unfolded, other states have come to see the value of having a dedicated naval force and are looking to New York as the model for creating their own naval militias.

The role of the Naval Militia can be viewed as two-fold. First, it acts as a dedicated force of trained sea services personnel, including Navy, Marine Corps and Coast Guard veterans, that the governor can call upon in times of natural disasters, civic unrest, and other emergencies. Second, it acts as a force multiplier that the federal government can call upon to supplement the Navy, Marine Corps, and Coast Guard.

At first blush, it may seem strange that a State would have its own naval force. However, if a state needs its own army and its own air force, it

follows that a state that has important maritime connections should also have a dedicated naval force. Accordingly, the New York Naval Militia is a component of the New York State Division of Military and Naval Affairs along with the Army National Guard, the Air National Guard, and the New York Guard. The Governor is the Commander-in-Chief of this force but the Division is headed by the Adjutant General of the State of New York who serves as commander of New York's organized armed forces. Reflecting the dual role of the militia, he is also responsible to the federal government for ensuring that New York's units are properly trained and prepared.

While only a few states other than New York (i.e., New Jersey, Alaska, and Ohio) have active naval militias, the concept is receiving renewed interest. Due to the extensive deployment of National Guard troops to Iraq, state governors now have less access to the trained military forces that they used to rely upon in times of state emergency. This comes at a time when there is increased concern that port facilities and waterways may be vulnerable to terrorist attacks and increased recognition that the Coast

Guard, suffering from years of underfunding and increased responsibilities, is stretched thin. As a result, states such as California, Virginia and Wisconsin are considering reviving their naval militias in order to have trained waterborne forces that could be activated quickly during state emergencies. In each case, New York is being looked to as the model.

Evolution of the Naval Militia Concept

Today, most people think of military matters as a federal responsibility. However, in the early days of the nation, it was the States that provided the bulk of the nation's military defense. Every state, and their colonial predecessors, had by necessity to maintain organizations of volunteers who could be called upon during conflicts with the Indian tribes, raids by pirates and other outlaws, riots and other domestic disturbances and during natural disasters. In national emergencies, these state forces could be used as a force multiplier to expand the small standing federal formations.

While the militia concept is most familiar in connection with land warfare, the States also played an important role in providing the nation's seapower in the early days of the republic. In 1775, Pennsylvania created the Pennsylvania State Navy for the defense of Philadelphia and the Delaware River. During the battles on Lake Champlain in 1776, Benedict Arnold commanded ships that were built and manned by New York volunteers. After Congress authorized the construction of six frigates in 1794 to establish a standing federal navy, the various states also

contributed ships. One of these was the frigate NEW YORK, which fought in the Barbary Coast War (*See The Log*, Fall 2004, at p. 10).

Still, the concept of organized state naval militias did not really catch on until the second half of the nineteenth century. When the Civil War broke out in 1860, a key part of the federal government's strategy was a naval blockade of the South. However, the Navy only had some 90 warships to blockade more than 3,500 miles of Confederate coast line. In addition, half of the officers decided that their loyalty lay with the South. As a result, the federal government had to quickly purchase some 200 merchant ships for conversion to warships and crew them with largely untrained volunteers.

Remembering these desperate measures after the war, a combination of former and active naval officers and concerned citizens called for the creation of a federal naval reserve as a means of rapidly expanding the Navy in time of war. In 1887, a bill was introduced in the Senate to create a federal naval reserve but in those days it was difficult to obtain funding for the Navy itself and thus a bill to create a new organization was doomed to defeat. Subsequent bills also failed.

The debate over the naval reserve led Lieutenant John Codman Soley (USN) to suggest that the states create naval militias that would bear the same relationship to the Department of the Navy that the traditional state army militias bore to the Department of the Army. His suggestion met with approval in his home state of Massachusetts and in May 1888, the state legislature decreed that "A Naval

Battalion" be attached to the state's militia.

The next year, New York organized a provisional naval battalion for the militia and then formally created the First Battalion, Naval Reserve Artillery in June 1891. This formation soon demonstrated its value to the state when it was called into state service to assist in a quarantine of passenger ship passengers on Fire Island following a cholera outbreak.

Meanwhile, the federal government began to realize the potential for the new state naval militias to act as a force multiplier for the Navy. Accordingly, the Naval Appropriations Act of 1891 authorized the Secretary of the Navy to allocate funds for arms and equipment for the naval militias that states such as Massachusetts and New York had established. This spurred a number of other states including California to create naval battalions in their militias. Eventually, 26 states would create naval militias.

Along the same lines, the Massachusetts and New York militias were granted permission to drill aboard active Navy ships. The impressive performance of these sailors led Congress to authorize the loan in 1894 of old naval vessels to state militias for training purposes.

Still, the state naval militias were seen as step-children by the federal government, receiving insufficient federal funding and out-of-date ships. Indeed, the ships loaned to the California naval militia in 1897 were found to be unable to put to sea. Furthermore, disputes between the federal government and the states soon surfaced over control of the naval militias.

When the Spanish American War began in 1898, the federal government once again found that the Navy was short of ships and men. There was still no federal naval reserve and there was no mechanism for federalizing the state naval militias. Accordingly, Congress created the United States Auxiliary Naval Service that would, inter alia, include state naval militia units provided that the respective state governors agreed. New Yorkers manned two auxiliary cruisers that fought at the Battle of Santiago as well as patrol craft in New York harbor.

After the war, Congress again rejected attempts to create a federal naval reserve. Perhaps because of this, the Navy worked to increase the readiness of the state naval militias by hosting annual summer cruises for militiamen aboard the active fleet and by working to increase training and standards. An Office of Naval Militia was established in 1911 in the Navy Department to monitor the state formations. A Division of Naval Militia Affairs was established by general order in 1914.

As it became apparent that the United States would be drawn into World War I, the federal government enacted measures in 1916 to strengthen the Navy. One of these was the Naval Reserve Force Act creating a federal naval reserve. However, realizing that time was short and that the new reserve had no members, Congress created the National Naval Volunteers which state naval militiamen could join during emergencies declared by the President. The members of the New York Naval Militia so volunteered when the country went to war in 1917.

After the war, Congress decided that since there now was a federal naval reserve, there was no more need for it to support the state naval militias. Accordingly, all the federal laws regarding the state naval militias were repealed and the President was authorized to transfer all personnel to the naval reserve. With the federal purse strings once again pulled tightly closed, most of the state naval militias became dormant with only brief periods of reactivation during World War II and the Korean War.

This was not the case in New York, however. New York's Military Law was changed so that almost all members of the Naval Militia had to be volunteers from the Naval or Marine Corps Reserves. (A federal law passed in the 1920s provided that "no facilities of the Regular Navy shall be furnished for use by any portion or unit of the Navy Militia unless at least ninety-five of its personnel has been appointed or enlisted in the Fleet Naval Reserve and unless its organization, administration and training conform to the standard prescribed by the Secretary of the Navy for such units"). As a result, New York militiamen fought as part of the federal reserves in World War II, Korea, Vietnam, the First Gulf War, Bosnia, Afghanistan, and now in the Second Gulf War. This federal service has been in addition to service on behalf of the state during natural disasters, the Lake Placid Olympics in 1980, and the crash of TWA Flight 800. In light of this record of service, the Council in 1996 formally recognized the Naval Militia for its "consistently demonstrated dedication and dependability."

A New Era

The attacks on the World Trade Center on 11 September 2001, marked the beginning of a new era for the New York Naval Militia. Whereas in 2000, the Naval Militia turned in some 200 state active duty days of service, in 2001 the state active duty days of service grew to over 10,000. While the number has decreased since then, it has not returned to pre-9/11 levels.

Some 800 naval militiamen were deployed in response to the attacks. Five militia units were called to active duty: two Navy units - Seabees and cargo handlers; and three Marine Corps units - communications, a tank unit and infantry. Among other things, the Naval Militia supplied medical, legal, and chaplain services to the state, city and federal forces responding to the attacks; carried out security patrols at the World Trade Center site, train stations, tunnels, bridges, and other transportation hubs and links; constructed a "tent city" in Battery Park in support of security operations; renovated housing and training facilities on Governor's Island for the forces involved at the site; helped staff headquarters and emergency operations center; and provided maritime security at the nuclear power plants at Indian Point.

Realizing the value of the Naval Militia as emergency responders, New York State created the New York State Military Emergency Boast Service (NYSMEBS) in 2001. This service utilizes six patrol craft ranging in size from 22 to 44 feet that can be transported by trailer to emergency sites. Their missions include: search and

rescue; rapid medevac operations; support for environmental cleanup operations; support for dive and salvage operations; waterborne troop and weapons deployment; support for the Coast Guard, law enforcement organizations, and for other state agencies. In their first three years of service, the NYSMEBS spent over 110,000 man hours on state security operations and traveled over 20,000 nautical miles. They have received commendations from the State and the NYS Board of Commissioners of Pilots for rescue work and assistance to commercial vessels.

As noted earlier, the exigencies of the Global War on Terror have led several other states to look to New York as a model for creating their own naval militias. But what are some of the benefits to the State that make other states interested in importing the concept? First, the Naval Militia is a federally-trained force. Almost all of the members of the Naval Militia are Navy, Marine Corps, or Coast Guard reservists. Thus, in addition to the training they received when on active duty, the members of the Naval Militia receive training on an ongoing basis. It should be borne in mind that since a ship is a self-sufficient environment, Navy training produces a number of skills that would be of use to a state in times of emergency other than martial skills. Engineering and plant skills can be used in operating or restoring vital utility works such as power plants, water plants and sewage disposal plants. Navigational training can be put to use in operating and maintaining a wide variety of vessels such as tugs, fire boats, rescue craft and patrol boats. Furthermore,

since the Naval Militia includes a Seabees unit, there is training that can be used in reconstructing buildings and clearing emergency sites.

Second, the Naval Militia is very cost efficient. The bulk of the training is done by the federal government at no cost to the State. There is also federally-provided equipment such as construction equipment that can be used by the State for purposes such as clearing roads during blizzards. Furthermore, unlike the National Guard, the State only pays Naval Militia personnel when they are on called to state duty by the Governor.

Third, the Naval Militia provides an additional security force that can be called upon by the Governor. For example, in 2004, the Naval Militia augmented the police and federal forces providing security at the Republican National Convention in Manhattan. With so many National Guard units being deployed to Iraq and Afghanistan for extended periods, this is seen in the states considering creating a naval militia as a particularly attractive aspect of having such a formation.

Opponents of importing the naval militia concept into other states argue that a naval militia does not really create an additional force which can be used by the state because the federal government can call up that the naval militia just as it has done with the existing National Guard units. Under the memoranda of understanding entered into between the New York Naval Militia and the federal government, the federal government has first rights to the services of naval and Marine reservists in the militia. If the federal government calls up these reservists, the governor cannot call them up for a state mission. However, thus

far, the Naval Militia has been able to carry out its state responsibilities which have increased since 9/11 despite not having priority.

Finally, the Naval Militia benefits the state by strengthening the ties between the sea services and the community. With the consolidation of bases, the general public in many areas has little contact with the sea services. This leads to a lack of understanding of the role of sea power and an attitude that maritime defense is someone else's problem. The Naval Militia provides a visible local presence - - supporting Sea Cadet programs, high school drill teams, sea services museums, and marching in local parades. It also acts as naval representatives for the Governor and the Adjutant General at official functions.