

January 1944

Book Review: Lawful Action of State Military Forces

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Recommended Citation

Book Review: Lawful Action of State Military Forces, 21 Dicta 124 (1944).

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LAWFUL ACTION OF STATE MILITARY FORCES, by Edmund Ruffin Beckwith, James S. Holland, George W. Bacon and Joseph W. McGovern; with a Foreword by Hugh A. Drum, lieutenant general U. S. Army (retired); 1944, New York, Random House, xviii, 216; and 1944 supplement, 32; paper \$1.50, cloth \$3.00.

This is a very timely manual defining the powers and duties of state troops and codifying the rights and responsibilities of the militia in war and in domestic disturbances. Lieutenant Colonel Beckwith is judge advocate and Major Holland is assistant judge advocate of the New York Guard. Mr. Bacon is a professor of law and Mr. McGovern an associate professor of law in the Fordham University school of law.

The authors start from the premise that under our federal and state constitutional systems the military is subordinate to the civil power, but that these systems recognize the necessity of a well-regulated militia to maintain the security of a free state. Because the civil law is supreme when state troops are on domestic duty, they can only be employed lawfully when they are needed to maintain the peace and security of some portion of the state. When so employed they can take only such action as is appropriate to the accomplishment of their mission.

Commanding officers of state military forces should have some knowledge of their rights and duties so that they can perform the work they are called upon to do without usurping any of the functions of the civil government. We do not know of any other code or manual which confines itself to an exposition of these particular rules, nor do we know of any work so conveniently arranged to accomplish this purpose.

The book sets forth the rules governing the use of state troops in domestic disturbances in time of peace as well as the rules governing those troops in time of war. For that reason it should continue to be useful after the end of the present conflict. It is arranged in code form, in a series of numbered topical paragraphs, and is well indexed for easy reference. The paper-bound edition contains the text without footnotes or annotations. The cloth-bound edition carries the annotations and other collateral matter in a pocket supplement which will allow for further revision and expansion.