**The relevant sections of the 1916 National Defense Act**

Section 1: That the Army of the United States shall consist of the regular Army, the Volunteer Army, the Officers' Reserve Corps, the Enlisted Reserves Corps, the National Guard while in the service of the United States, and other such land forces as are now or may hereafter be authorized by law.

Section 61: No State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this Act:

*Provided*, That nothing contained in this Act shall be construed as limiting the rights of the States and Territories in the use of the National Guard within their respective borders in time of peace:

*Provided Further*, That nothing contained in this Act shall prevent the organization and maintenance of State police or constabulary.

Section 79: When members of the **National Guard** and the enlisted reserve thereof of any State Territory, or the District of Columbia shall **have been brought into the service of the United States** in time of war, there shall be immediately organized, either from such enlisted reserve or from the **unorganized militia**, in such State, Territory or District, one reserve battalion for each regiment of Infantry or Cavalry, or each nine batteries of field artillery, or each twelve companies of Coast Artillery, brought into service of the United States, and such reserve battalion shall constitute the fourth battalion of any such regiment or twelve companies of  Coast Artillery.  Reserve battalions shall consist of four companies of such strength as may be prescribed by the President of the United States.  When the members of three or more regiments of the National Guard of any State, Territory, or District shall have been brought into the service of the United States, the reserve battalions of such regiments may be organized into provisional regiments and higher units.  If for any reason there shall not be enough voluntary enlistments to keep the reserve battalions at prescribed strength, a sufficient number of the **unorganized militia** shall be **drafted** into the service of the United States to maintain each of such battalions at proper strength.  As vacancies occur from death or other causes in any organization in the service of the United States and composed of men taken from the National Guard, men shall be transferred from the reserve battalions to the organizations in the field so that such organizations may be maintained at war strength.  Officers for the reserve battalions provided for herein shall be **drafted** from the National Guard reserve or Coast Artillery companies of the National Guard or **the Officers Reserve Corps**, such officers to be taken, if practicable, from the States, respectively, in which the battalions shall be organized.  Officers and noncommissioned officers returned to their home stations because of their inability to perform active field service may be assigned to reserve battalions for duty, and all soldiers invalided home shall be assigned to and carried on the rolls of reserve battalions until returned to duty or until discharged.