

Good afternoon. Thank you for the opportunity to speak with you today, I sincerely appreciate the joint session for making time. I have a few topics to address with you today.

First and foremost, as I reflect on the end of my tenure as the Adjutant General and approach my retirement from the United States military, I would like to offer my sincerest thanks to my legislative colleagues – past and present – for the unique honor and privilege of serving as Vermont's Adjutant General. I have worked diligently on behalf of our Soldiers, Airmen, and Vermonters to do what I said I would do. I can tell you there have been times in this position when I would say, "I can't believe I get paid to do this job," and other times were I would say, "You can't pay me enough to do this job." But the good far outweighs the bad.

We have seen a lot of changes in our National Guard in the past seven years. When I began my tenure, we did have a few challenges to overcome, starting with the National Guard Bureau organizational assessment in 2019. In the past seven years we have made great strides in changing not only our organizational climate but also our culture. We fixed a lot of things, but our work never ends when it comes to organizational improvement.

We have changed our relationship with the legislature and Congressional delegation, our communities, our media partners and our employers. We have helped Vermont with workforce development through our PRIME initiative; reached out to underrepresented populations to allow them to serve; and addressed sexual harassment and sexual assault through a pragmatic, disciplined approach focusing on victim support and accountability for perpetrators.

We have embarked on an expansive education campaign to help everyone understand who their Guard is and what we do. We have worked with all interested agencies to address the critical shortfalls in mental health providers and to establish suicide prevention measures for our military and Veterans. The Vermont National Guard has grown our state partnerships to three, inclusive of Austria, North Macedonia and Senegal, and have moved these strong relationships beyond the traditional military to military construct. All this is incredibly positive, and a trajectory that should continue – the bar is set and I expect you to ensure it remains so.

I hope you can see what I see – the unending professionalism, expertise, loyalty and mission focus of our Soldiers, Airmen and their families. Despite the inherent stress and challenges that come with service in our Guard – time away from home and work with drill weekends and annual training periods; attending military education courses; missing birthdays; anniversaries and significant life events like the birth of a child; dealing with short notice homeland missions to support Vermonters; and mobilizing for federal deployment to some of the most contested areas of the world - for months or even a year at a time – the members of your National Guard stepped forward and said “I will serve.” That speaks volumes about their character and dedication to their communities, state and nation. Your Vermont National Guard is simply outstanding. I just hope we can find more like them and continue keeping our Guard strong.

We have also done a lot together. One of the things I enjoyed the most was coming to the statehouse and working with our legislators. It was rewarding as it allowed me to share the Guard story and help facilitate legislation that provides great benefit to our Guard and Veterans. As you may know at this

juncture, I have made building and sustaining positive relationships with our legislature a central theme in my time in office.

Historically, the Vermont National Guard relationship with our legislature was perhaps not as robust as it could have been. We didn't have a clear venue – short of committee testimony or specific requests for legislation – to routinely communicate with our legislators. First, I began sending six-month updates to our Governor, our legislature, our Congressional delegation and our force. I felt it was my obligation. It is important for all our centers of influence to know what their Guard is doing. It's a remarkable story to share and I am glad to have been able to do so. But I think perhaps the smartest thing I could have done was to ask for a legislative caucus. In the time since that request and following establishment of the Vermont National Guard and Veterans caucus, our Guard and Veterans have had a voice – a direct line of consistent communication and transparency with our legislators – irrespective of political alignment or party affiliation. What I could not have foreseen was the collegiality, curiosity, advocacy and friendships that have resulted. Through our caucus, we have together passed several legislative initiatives into law that directly benefit our Guard, Veterans and survivor beneficiaries. I am truly grateful for our work together on legislation and am again honored to have had this opportunity to serve our communities, our state and our nation.

Speaking of service to our nation, I would like to speak a bit about mobilizations – specifically the authorities under which the National Guard operates. First, it's important to understand the construct and history of the National Guard as opposed to state militias.

Let me start with a simple foundation. There are two types of state militia forces in the United States. The first is the National Guard, the second is what are often called State Defense Forces, or state military forces.

The National Guard is unique. It is the primary combat reserve of the U.S. Army and the U.S. Air Force. It is organized under federal law, trained to federal standards, and largely funded by the federal government. At the same time, when it is not being used by the federal government, it serves the Governor and the state.

State defense forces are different. They are not part of the U.S. Armed Forces. Each state decides whether and how to organize them, and they are funded entirely by the state. They cannot be federalized.

When Guard members are serving the governor, they are part of the state militia. But when the federal government mobilizes them, they are federal troops. During that federal service, they no longer hold their state militia status. That dual role of the National Guard is often the source of confusion.

There are three primary duty statuses for the National Guard. First is State Active Duty, which is state-funded and state-commanded under the governor and the adjutant general. The second is Title 32, which is federally funded, but still under state command. The third is Title 10. That one is federally funded and under federal command and control. This is a vast oversimplification because among these are nearly 30 different permutations on these statuses.

This complicated structure didn't happen overnight.

The National Guard was founded on December 13, 1636, when the Massachusetts Bay Colony's General Court organized its local militia into three permanent regiments for colonial defense. This makes the National Guard the oldest component of the U.S. Armed Forces, with its lineage tracing back to these citizen-soldiers.

In 1903, Congress passed the Militia Act, often called the Dick Act, which dramatically increased federal funding for state militias, but in exchange required them to be organized like the active Army. While the unorganized militia still existed, the Dick Act practically eliminated purely state-controlled and funded militias at that time. That law effectively created what we now know as the modern National Guard. Gone were the days of States having to raise funds, form regiments, and commission their officers to contribute to the nation's defense. This also put an end to wide disparities in the quality of training and capabilities of the force.

A few years later, in 1916, Congress clarified that states could still maintain their own militias outside the National Guard, organized and funded however the state chose. That's why some states today maintain robust state defense forces. California, Florida, Texas, and New York are a few examples of states that self-fund a robust militia.

Then, in 1933, Congress formalized what we call "dual enlistment." When someone joins the National Guard, they are simultaneously a member of their state's Guard and a reserve member of the U.S. Army or Air Force. That structure remains the law today. The new law left intact the provisions

permitting states to maintain separate militias other than the National Guard. This provision remains in current law and is the basis behind the Title 32 status, allowing states to maintain their own defense forces.

The result was, and remains, two different types of militia forces possible within a state. A federally funded, federally standardized National Guard that also serves the Governor, and a purely state-controlled force, if the state chooses to maintain one.

Congress has also been very explicit about the purpose of the Guard and other reserve components. Their job is to be available for federal service in times of war, national emergency, or when the nation simply needs more forces than the active component can provide. Because of that mission, Congress has created multiple legal authorities for mobilizing the Guard. Some require the governor's consent while others do not.

I believe I have shown most of you the handy sheet I call the placemat, which I routinely use to make sense of all of this. I hope it gives you a sense that the federal code, which governs this, has become increasingly complicated, which is why I have discussed with so many of you the need for Federal duty status reform.

The most relevant authority here is Title 10, Section 12302. This allows the President to mobilize reserve forces during a declared national emergency, without needing gubernatorial consent. This is the same authority that was used for the vast majority of deployments to Iraq and Afghanistan after 9/11.

That brings a question I have heard from so many of you. Under what authority was the 158th Fighter Wing deployed?

The answer is Title 10, Section 12302, commonly called a partial mobilization. This authority is exercised by the President in connection with a declared national emergency. In this case, it is tied to the national emergency declaration related to drug trafficking, dated January 20, 2025.

This is an involuntary federal mobilization. At this point, we do not know how long it will last. While the law allows these mobilizations to extend up to 24 months, Air National Guard deployments are typically much shorter—often on the order of about 100 days.

That is the legal framework behind this deployment, and why it occurred the way it did.

As I close my testimony, our legislature has a very important decision facing them, the legislative election of the next Adjutant General. Vermont has a unique process which, and I may be biased, should be the envy of all who believe in our foundational principles of a civilian-led military, subordinate to constitutional law, part of the bedrock aligning military power with democratic principles and the rule of law.

With my transition on March 1, 2026, I am working on the completion of a continuity binder with the intent of providing a handrail for the next Adjutant General. It is a read-ahead on the expectations of the job – relationships with the Governor, legislature, Congressional delegation; our media partners and public affairs; operations at the national and international level; working with the Adjutant General and other professional

associations; managing a \$200m budget; the State Partnership Program and other like topics, a lot of which is transparent to most.

You have a good problem. Two outstanding candidates who bring a wealth of experience and professionalism to the position of Adjutant General. At this juncture, I don't believe it to be appropriate for me to endorse a candidate. It's their interview and argument to make. Our process, unique in the United States, can, and should be, collegial. While unusual when compared to other states, the elective process provides our Guard members with a voice through their legislators. This process belongs to you. If you are not familiar with our National Guard, I ask you to learn more about us. This is an important decision. I also ask you to consider carefully, listen to the candidates, and then make your decision.

I thank you again for the honor and privilege of serving as the Vermont Adjutant General and wish you all the best.



### **If asked re Defend the Guard:**

The Defend the Guard proposal would fundamentally undermine the Vermont National Guard's force structure, operational readiness, and ability to serve both the State of Vermont and the nation. By restricting the federally authorized use of the National Guard, the legislation would place Vermont out of compliance with federal law governing the National Guard, triggering severe and cascading consequences.

Most significantly, passage of Defend the Guard could – and I don't usually engage in hypotheticals – could jeopardize approximately \$200 million annually in federal funding that supports pay, allowances, training, equipment, and benefits for Vermont National Guard members. This impacts on the nearly 3000 traditional drilling members of the Vermont National Guard, dual-status military technicians, Active Guard and Reserve members of our Guard, and support services to our members and their families. Approximately 2700 Guard members serve in uniform, with additional personnel serving in civilian technician capacities, employed in federally funded civilian technician roles essential to maintaining aircraft, vehicles, communications systems, and readiness infrastructure.

The loss of federal funding would immediately eliminate pay and allowances for Guard members performing federally recognized duties and would strip service members and their families of access to **TRICARE and Blue Cross Blue Shield health coverage**, dental coverage and Service Members Group Life Insurance, forcing thousands of Vermonters to seek alternative insurance in an already strained market. These impacts would ripple outward, affecting family stability, employer relationships, recruitment, retention, and community economic health across the state.

The staffing for the Vermont National Guard is based on Federally authorized positions in all our Federally recognized units. The authorization to have these units and related positions could be pulled from Vermont by the Department of War and given to states that do not restrict the use of their National Guard in the manner proposed by Defend the Guard. This would not be a temporary or symbolic penalty; it could represent a permanent loss of force structure, personnel billets, mission sets, and long-term federal investment in Vermont.

The vast majority of facilities for our Vermont National Guard are Federally funded, inclusive of sustainment, restoration and modernization funds in the tens of millions of dollars. For instance, we have received funding to build a \$6.7m Family Readiness Center that would be eliminated were it not for Federal funding. Ethan Allen Firing Range in Jericho, where we train between 120-150,000 military and law enforcement personnel from across the US annually, would no longer operate as it is a Federal facility.

Defend the Guard could also dismantle Vermont's participation in the State Partnership Program (SPP), a Department of Defense initiative managed by the National Guard Bureau and executed exclusively through uniformed National Guard forces. This is a Department of War program, managed by National Guard Bureau and executed by National Guard states. No Federal funding equates to losing our three partnerships along with the diplomatic, security, and economic benefits they bring to the state and the nation.

Critically, these outcomes would not enhance Vermont's sovereignty or improve oversight. They would weaken the state's ability to respond to domestic emergencies, erode military readiness, and remove Vermont from the national defense framework that has existed for over a century. Defend

the Guard would not insulate Vermont from federal military decisions. Instead, it could isolate the state, dismantle its National Guard, eliminate hundreds of millions of dollars in federal investment, and impose lasting harm on service members, their families, and Vermont communities. I don't believe that is a risk Vermont should be taking.