

Vermont and the National Guard

House Committee on Government Operations and Military Affairs and Senate Committee on Government Operations

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Outline of Presentation

- ▶ Overview of the National Guard
- ▶ Creation of the modern National Guard
- ▶ Duty statuses of the National Guard - dual mission serving Vermont and the United States
- ▶ Vermont National Guard and election of Adjutant General



Overview - National Guard

- ▶ Unique and essential element of the U.S. military – 400,000 men and women voluntarily serving in all 50 states and 4 U.S. territories
- ▶ Began with 3 militias founded in 1636 in Massachusetts as a citizen force – oldest units in U.S. military history
- ▶ Today's National Guard members hold civilian jobs or attend college while maintaining their military training part-time
- ▶ Drill – one weekend/month and two weeks/annually



Overview - National Guard

- ▶ National Guard exists as both a state and federal force, per the U.S. Constitution
- ▶ Serves at the direction of state governors until the U.S. President orders the Guard into active federal service at home or abroad
- ▶ Has evolved over nearly 400 years from fighting colonial battles, the civil war, two world wars, plus combat operations in Korea, Vietnam, Persian Gulf, Afghanistan, Iraq, etc.



Overview - National Guard

- ▶ National Guard has been activated on U.S. soil numerous times, including:
 - ▶ 1957-58 - desegregation in Little Rock, Arkansas
 - ▶ 1965 – march from Selma to Montgomery, Alabama
 - ▶ 1992 – Los Angeles riots
 - ▶ 2001 – 9/11 terrorist attacks
 - ▶ 2005 – Hurricane Katrina
 - ▶ 2020 – coronavirus, wildfires, antiracism protests
 - ▶ 2021 – January 6th – U.S. Capitol



Creation of the modern National Guard

Militia Act of 1903 –

- ▶ created what would become the modern National Guard from a subset of the militia;
- ▶ codified the circumstances under which the Guard could be federalized; and
- ▶ provided federal funds to pay for equipment & training.
- ▶ Intent – achieve the same training, education, and readiness requirements as active-duty units



Creation of the modern National Guard

National Defense Act of 1916

- ▶ National Guard became the official name
- ▶ Increased and standardized training
- ▶ Added more federal funding
- ▶ Administered annual inspections
- ▶ Required fitness and eligibility tests
- ▶ Created ROTC
- ▶ Codified the dual state and federal mission
- ▶ Required new Guard members to swear allegiance to both the U.S. Constitution and their state Constitution



Creation of the modern National Guard

National Defense Act Amendments of 1933

- ▶ National Guard to be considered a component of the Army at all times
- ▶ Each member of the Guard has two military statuses – a member of the home state's National Guard and the National Guard of the United States, thereby enhancing ability to deploy units and individuals directly for overseas services in the event of war

Duty Statuses of the National Guard

The National Guard has a dual mission to support and defend the Constitutions of the state and the United States. 32 U.S.C. § 312.

National Guard Duty Statuses

Status	State Active Duty	Title 32 (USC)	Title 10 (USC)
Command & Control	Governor	Governor	President
Military command	Adjutant General	Adjutant General	Combatant commander
Duty Assignments	per state law	United States	Worldwide
Pay	State	Federal	Federal
Domestic law enforcement	Yes	Yes	No
Examples	Oklahoma City bombing, Kansas tornadoes, California wildfires, Tropical Storm Irene	Border security, post 9/11 airport security, Olympics, Hurricane Katrina	Bosnia, Afghanistan, Iraq, 1992 L.A. riots (w/ Gov consent)

State Active Duty

The National Guard may be called out for State active duty by the Governor (Commander-in-Chief), the Lieutenant Governor (in the Governor's absence), or the Adjutant General (in the absence of both).

May be called out “in case of riot, rebellion, or insurrection within the State, or in case of great opposition to the service of legal process, whether civil or criminal, or in case of invasion or imminent danger of invasion, or in case of disaster, or emergency proclaimed by the Governor” (20 V.S.A. § 601)

Title 32 – Hybrid Status

Remain under the authority of the Governor but duty is federally funded and regulated

Covers training (32 U.S.C. § 502)

Covers civil support (such as disaster relief) (32 U.S.C. § 502(f))

Governor must consent to deployment (32 U.S.C. § 328)

Under state control so can participate in civilian law enforcement activities (Posse Comitatus Act does not apply)

Title 10 – Federalization

Voluntary Order to Active Duty – member of the Guard may be ordered to active duty voluntarily with the member's consent and the consent of the Governor (10 USC § 12301(d))

Partial Mobilization – in a national emergency declared by the President, any unit and any member may be ordered to active duty for up to 24 consecutive months (10 USC § 12302)

Presidential Selected Reserve Call Up: President may authorize service secretaries to order any unit and any member to active duty for not more than 365 days if the President determines it is necessary to augment the active forces of any operational mission (10 USC § 12303)

Title 10 – Federalization

The President may call units of the National Guard of any State whenever:

- (1) the US is invaded or in danger of invasion by a foreign nation;
- (2) there is a rebellion or danger of a rebellion against the authority of the Government of the United States; or
- (3) the President is unable with the regular forces to execute the laws of the United States

Orders shall be issued through the governors of the States or the commanding general of the DC National Guard -**10 USC § 12406**

Title 10 – Insurrection Act

10 USC § 251, Federal aid for State governments - when there is an insurrection in any State against its government, if requested by the state's legislature or governor

10 USC § 252, to enforce Federal authority - when “unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the U.S., makes it impracticable to enforce the laws of the U.S. in any State by the ordinary course of judicial proceedings”

10 USC § 253, Interference with State and Federal Law – “to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy” if it hinders the execution of state or federal law

Funding of the National Guard

The federal government provides the vast majority of funding for the National Guard through the Department of Defense/War budget. Estimates vary between 85-95%.

The 2024 national defense budget of \$842.2B, included \$32.9B for the National Guard.

Federal funds cover salaries, benefits, training, equipment, upkeep, daily operational costs, aircraft, vehicles, construction projects, etc.

States cover the costs for specific state-defined missions, equipment and some benefits, but federal support often covers a large portion of disaster response costs



Vermont National Guard Role of General Assembly

Elects the Adjutant General biennially ([20 V.S.A. § 363\(a\)](#))

Receives an annual report on complaints of sexual assault and harassment in the National Guard ([20 V.S.A. § 427](#))

Provides a death benefit of \$50,000 for active-duty members of the Guard ([20 V.S.A. § 607](#))

Appropriates State funding in support of the National Guard

Vermont National Guard

Role of Governor

Commander-in-chief of the National Guard

Has significant control over the organizational structure of the National Guard ([20 V.S.A. § 361\(b\)](#))

Approves Adjutant General's appointment of high-level officers ([20 V.S.A. § 363\(c\)](#))

Ensures the National Guard conforms to federal regulations and any system of drill, discipline, administration, and instruction prescribed for the U.S. Armed Forces ([20 V.S.A. § 361\(b\)](#))

Approves the creation and design of medals ([20 V.S.A. § 369](#))

Vermont National Guard Role of Adjutant General

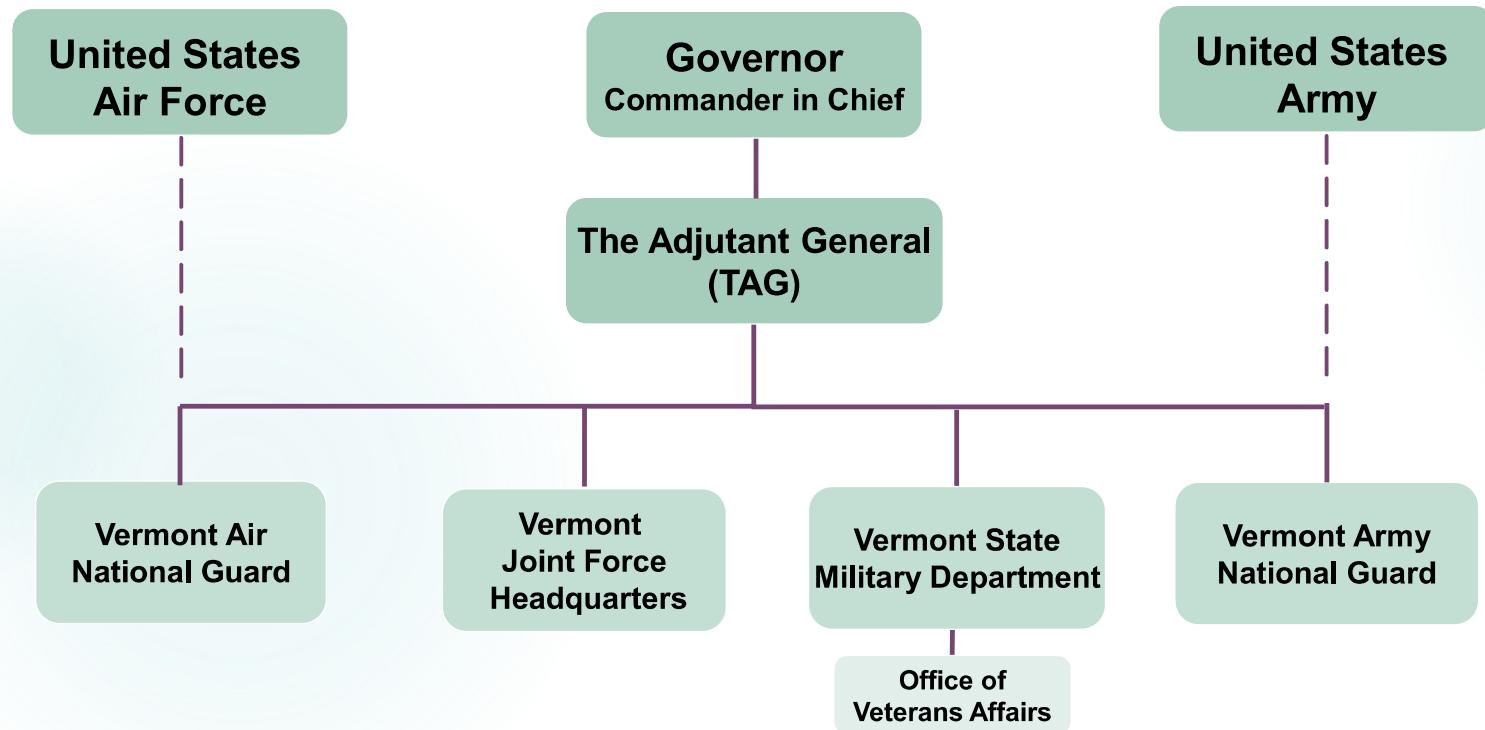
The Adjutant General is the commanding officer of the Vermont Army and Air National Guard, as well as Vermont's Military Department and all military components of the State. 20 V.S.A. § 361(a).

The Adjutant General issues, signs and transmits orders of the Governor in executing the laws of Vermont and the United States. 20 V.S.A. § 421.

The Adjutant General adopts all necessary rules for the government of the Vermont National Guard. 20 V.S.A. § 361(c)

The Adjutant General is responsible for the maintenance of administrative files and war records. 20 V.S.A. § 425 and § 426

Vermont National Guard Organizational Chart



Vermont National Guard Election of Adjutant General

Each state and U.S. territory has an Adjutant General that leads its National Guard. 32 U.S.C. § 314.

Typically, Adjutant Generals are selected by the state's Governor. Vermont is the only state whose Adjutant General is elected by the Legislature.

"The General Assembly shall biennially elect an Adjutant and Inspector General for a term of two years." 20 V.S.A. § 363.

The Adjutant General shall be granted the rank of a major general within the State.

Vermont National Guard Election of Adjutant General

Qualifications: To be eligible for election to serve as Adjutant General, an individual shall:

- ▶ Have attained the rank of Colonel (0-6) or above;
- ▶ Be a current member of the U.S. Army, the U.S. Air Force, the U.S. Army Reserve, the U.S. Air Force Reserve, the Army National Guard, or the Air National Guard;
- ▶ Be a graduate of a Senior Service College; and
- ▶ Be eligible for federal recognition.

Vermont National Guard Election of Adjutant General

- ▶ The Adjutant General is elected in the second year of each biennium.
- ▶ “At 10 o’clock and 30 minutes, forenoon, on the seventh Thursday of the second year of the biennial session, the Senate and House of Representatives shall meet in joint assembly and proceed therein to elect . . . the Adjutant and Inspector General.” 2 V.S.A. § 10(c).
- ▶ This biennium’s election falls on **Thursday, February 19, 2026**.

Questions?