

## A Brief History of the Vermont Militia

I metal detected this object in Pawlet in 2018: it is a Vermont Militia jacket button dating to the late 1820s. I've wanted to write about it ever since, but in retrospect my procrastination seems opportune...I can't imagine a more important moment than this to get to share what I've learned about what we now call the Vermont National Guard.

As I write this, 25,000 National Guard members from dozens of states are present in Washington DC, including 100 from Vermont.<sup>i</sup> They have been mobilized to prevent violence that would threaten the fairly elected 46<sup>th</sup> President of the United States of America from being sworn in, a process that has defined our country's commitment to shared power ever since John Adams (sullenly) left the District of Columbia in the pre-dawn hours of the day Jefferson took his oath as president in 1801. National Guard members are being called upon to protect state capitols during this period of transition and have also been a crucial part of the logistical responses to COVID-19 over the last year, including setting up capacity for treatment and testing,<sup>ii</sup> and now administering vaccines in at least 16 states.<sup>iii</sup> These vital roles at a crucial time in American life are among many contributions to domestic stability and humanitarian aid made by state militias since their beginnings.



Vermont Militia Artillery uniform button, 1826 – excavated in Pawlet, 2018. Returned to landowner

In recent decades the word “militia” has been more likely to conjure up strong sentiments (this might now be a terrible understatement; the corrupted use of this term by members and supporters of the failed insurrection of 01/06/21 may have demeaned this word in perpetuity). But the concept of a militia is critical to the Constitution and the intentions of its more anti-federalist framers, who maintained in the Bill of Rights that a “well-regulated” militia<sup>iv</sup> was central to balancing the competing interests of a federal government with those of the individual states. In short, state militias were a backstop against tyranny. Militias were regulated by states until called upon federally, which under the Constitution reserves the ability to call upon the militia “to execute the Laws of the Union, suppress Insurrections, and repel Invasions.”<sup>v</sup>

References to a militia are in Vermont's Constitution, and the first militia statute dates to 1778, long before Vermont became a state. At that time, all men aged 16 to 50 were required to be enrolled, unless exempted. State and federal acts altered the structure, composition, and use of the Vermont and other state militias repeatedly in the decades following.<sup>vi</sup> Several interesting turns, including showdowns between elected members of the Vermont government and its militia, occurred as well.<sup>vii</sup> From 1779 to 1844, enrollment in the Vermont militia was automatic and universal. In the relative calm between the War of 1812 and Civil War, state militias struggled increasingly with absenteeism and expansion of exemptions, eventually leading states to abandon conscription in favor of voluntary membership. Since 1844 in Vermont, the militia has been an all-volunteer force carrying out a dual state/federal mission, with members present in all national conflicts as well as many humanitarian relief and security mobilizations in response to natural disasters and other threats to the life and property of those at home. State militias became universally known as the “National Guard” by an act of congress in 1916.<sup>viii</sup>

So why write about the National Guard at this moment, knowing full well that something like a third of Americans may regard this election as fraudulent (by extension setting up what appears to be the most widespread test of the adage ‘One man’s terrorist is another man’s freedom fighter’ in 160 years)? I’m personally hopeful that we might, as communities, states, and as a nation, find ways to bridge the seemingly irreparable rift in worldview found in today’s politics. At this crossroads in history, the National Guard has given us a profound, visible example of a group of citizens that is preserving legitimate social order in a constitutional manner while also helping change the course of a pandemic. In witnessing the present role of the National Guard and learning more about its history through the militia button I found in Pawlet, I can’t help but wonder what might happen if more of us found similar paths towards civic engagement in the years to come. Let us hope that our efforts and institutions continue to be strong enough to resist the individuals and ideas that could break our deeply imperfect and terribly fragile, but at times magnificent, experiment in liberty.

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<sup>i</sup> “Vermont Guard to Support D.C. Response, Inauguration.” *Vermont National Guard Public Affairs*, 14 Jan. 2021, [www.ng.mil](http://www.ng.mil).

<sup>ii</sup> Altman Howard. “Latest Guard Update.” *Military Times*, 30 Mar. 2020, [www.militarytimes.com](http://www.militarytimes.com)

<sup>iii</sup> Steinhower, Jennifer. “National Guard Provides Covid Vaccine Help in Overwhelmed States.” *The New York Times*, 14, Jan. 2021, [www.nytimes.com](http://www.nytimes.com).

<sup>iv</sup> U.S. Const. amend. II.

<sup>v</sup> U.S. Const. art I, § 8, cl. 15. 1.

<sup>vi</sup> Gillies, Paul. “The Militia Governed by the Civil Power; The Fitful Collision.” *Vermont Bar Journal*, Vol. 44, No. 1 Spring 2018.

<sup>vii</sup> Haraty, Peter. “Dual Obligation and Loyalty,” in Haraty, *Put the Vermonters Ahead*, 55.

<sup>viii</sup> Jacobs, Bruce. “The National Guard: By Any Other Name?” *National Guard Magazine*.