

War and the Second Vermont Republic

Ben Scotch

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Here's an easy question to invite you into my meanderings: How many times did the first Vermont Republic begin a war? None? Bingo. Okay, there are huge differences between the world of the late eighteenth century and the post-9/11 twenty-first-century world. But there are similarities as well, and it is time to reexamine the role of U.S. states and their National Guard units in questions of war and peace, with special emphasis on wars of choice—wars that have no credible relationship to national defense.

In the nation we joined as the fourteenth state in 1791, the focus of the military was the state militias, rather than a national army. Indeed, fear of a standing army was one of the issues that the colonies had with their British rulers. The decline in the independence of state militias and the simultaneous rise of the United States as the dominant world military power during the twentieth century are not coincidental. During the nineteenth century the states retained significant powers over their militias (renamed the National Guard in 1903), though they exercised no power under the War Clause and could not act independently when the president undertook military action without a declaration. However, Article 1, Section 8 gave the states significant authority with respect to appointing officers and training the militia. No, these were not war-making powers, and no state could maintain its own army. But even limited powers gave the states a sense of ownership of and a unique bond with their Guards.

Federal call-up for a foreign war was solemn business. If the nation was threatened, the Guard was there, in a flash. But Guard members were never considered the core of a U.S. military force in a war that was not defensive. In sum, state militias retained their dual status—they were available primarily to support their home states during emergencies and to defend the nation if a foreign attacker dared to come near. The dual role of the National Guard may have faded in the public mind in the conflagrations of the twentieth century, but, in a modest way, the roles of local wisdom and greater state independence are being reborn in the twenty-first. It is not at all odd that Vermont, a demographic speck on the world map, should be the midwife to this rebirth. Nor is it surprising that profound differences in prevailing attitudes about war and peace are central to what I will call paradigm secession—departure by Vermont from the apparently dominant national sense that our greatness as a nation must be projected through military force, rather than by passing on our customs of constitutional rule, due process, equal protection, freedom of conscience, gender equity, national and ethnic diversity, generosity of spirit, and—perhaps the greatest gift—the enduring example of the peaceful transfer of power.

A modern, robust, and equitably populated military serving in defense of our homeland would be consistent with the projection of national greatness. But the definition of defense, though complex in the post-9/11 world, should never become a euphemism for military conquest. America, the hegemon, is not the America that can credibly export humanism and a history of successful constitutional struggle. On Town Meeting Day, March 1, 2005, some fifty-two towns and cities adopted resolutions about the war in Iraq and the Vermont National Guard. Most towns requested that the legislature set up a committee to study the impact of Guard deployment. Less noted but of equal importance was the call by nearly every town to “request the members of Vermont’s Congressional Delegation to urge Congress to restore the balance between the federal government

and the states, limiting the nearly complete federal control over state National Guard units to cases where there is reasonable evidence that war powers are requested in order to protect against a threat to the territory of the United States, where there is an insurrection or a plausible threat of insurrection; or where there is a declaration of war under the United States Constitution.”

This was a powerful call to restore and indeed to extend some state powers—the establishment or restoration of any state power would be an amazing step—where war and peace was the issue at the threshold. War would remain a purely federal matter where the United States was threatened. But states would be able to withhold their National Guard units in wars of choice. The practical impact of such a change would be less important than the symbolic impact. It is unlikely that many state chief executives would withhold Guard troops where a president had been persuasive in the call for a war, even a war of choice. And in any case, by instituting the draft, Congress would be able to populate the military ranks, with or without contributions by recalcitrant governors. But the debate over the draft would be a healthy one and would be a sensible hurdle for a chief executive to have to vault in order to begin a war of choice. In turn, the debate over greater state powers where wars of choice are at issue would be a debate worth having, whatever the political odds of succeeding in the near term.

However modest the step, reinvigorating state, and inevitably local, influence on questions of war and peace would have a profound impact in how we think about the inevitability of war. It could also inform the wider discussion of what political independence means in twenty-first-century Vermont. The point is that the goal of returning even modest powers to the states where wars of choice are at issue is a window looking out at a landscape of much wider change, though the time line for that change is substantial and the dream, like the dream of a more peaceable kingdom, may lie over the far horizon.

It will be a very independent Vermont’s task to convince other states that taking back some powers where wars of choice are before us will strengthen us militarily by creating greater consensus about when military force is needed and by restraining a zealous and fallible leader who wants to drag us into a fruitless military venture. In the wake of that restraint, there will be space to remind the world of the true reasons this is a great nation.