

STATE OF RHODE ISLAND
MILITARY STAFF - OFFICE OF THE ADJUTANT GENERAL
Joint Force Headquarters, Camp Fogarty
2841 South County Trail, Bldg. 330
East Greenwich, RI 02818-1728



Daniel J. McKee
Governor
MG Andrew J. Chevalier
Director

March 19, 2026

The Honorable Members of the House Committee
on State Government and Elections
82 Smith Street
Providence, Rhode Island 02903

Re: Opposition to H7986, An Act Relating to Military Affairs and Defense – Organization
and Command of Military and Naval Forces

Dear Chairperson Shanley and Members of the Committee:

I oppose H7986, a bill requiring a Congressional declaration of war to federally activate the National Guard. The U.S. Supreme Court has already affirmed that the federal government may federalize National Guard units without the consent of the state.¹ If adopted, this legislation would violate the Constitution and be harmful to our state. I urge you to reject the proposed bill and support our role as a dual-status force that responds to emergencies at home and serve as primary combat reserve for the U.S. Army and U.S. Air Force.

The intent of the legislation is to deprive the governor of his or her ability to approve the federalization of National Guard units without a formal declaration of war by Congress in Article I, Section 8 of the U.S. Constitution. The Constitution already grants Congress and the President authority over military operations. The bill does not restore a missing safeguard; it attempts to override existing federal law.

When the president activates the National Guard, he or she is not doing so under the Militia Clause, but under Article I, Section 8, Clause 12, which provides Congress the power to “raise and support armies.” Congress used that power to enact Title 10 of the U.S. Code, which governs federal activation of the National Guard and establishes that Guard members serve as the active Army and Air Force’s operational combat reserve. National Guard members take two oaths when joining the National Guard, one to the state and one to the federal government. When the federal government calls up a unit of the National Guard, it does not call up a state militia, it activates a component of the federal military reserve.

¹ See Perpich v. Department of Defense, 496 U.S. 434 (1990).

Moreover, H7986 unnecessarily risks the loss of federal funding for our Guard and creates significant operational risk. States that refuse to comply with federal activation requirements risk financial and operational consequences under Title 32 U.S.C. § 108. Restricting Guard units from certain federal mobilizations reduces readiness, limits training opportunities, and weakens our ability to respond to both state and national emergencies.

For these reasons, I respectfully urge the committee to reject this legislation and protect Rhode Island's Home Team. Thank you for your consideration of this letter and your leadership on this important issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew J. Chevalier". The signature is fluid and cursive, with a large initial "A" and "J".

Andrew J. Chevalier
Major General
The Adjutant General

Copy to:

Steve Sepe, Committee Clerk
The Honorable David Place
Nicole McCarty, Chief Legal Counsel,
Office of the Speaker of the House