To: Jacobson, Kyle R SL OSD OGC (USA) (b)(6) CIV OSD OGC (USA) (b)(6) CDR USCG OSD OGC (USA) (b)(6)
Cc: Young, Charles L SES OSD OGC (USA) (b)(6) d'Annunzio, Michael A SES OSD OGC (USA) (b)(6) COL USARMY OSD OGC (USA) (b)(6)
From: (b)(6) CDR USN OSD OGC (USA)
Sent: Thur 12/18/2025 4:07:19 PM
Subject: FW: Dec. 11, 2025 National Guard QFRs
Received: Thur 12/18/2025 4:07:27 PM
25-88_12-11-2025.pdf
All QFRs National Guard.docx
smime.p7s

Team,

Good afternoon. WARNO - invite your attention to the below and attached.

Very Respectfully,
CDR (b)(6) JAGC, USN
Military Assistant to the General Counsel
Office of the Secretary of War (b)(6)
Comm: (b)(6) I Cell: (b)(6)
SVOIP: (b)(6) I NSTS: (b)(6)
SIPR: (b)(6)
JWICS: (b)(6)

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From: (b)(6) CAPT USN OSD OASD LA (USA) (b)(6)
Sent: Thursday, December 18, 2025 3:09 PM
To: (b)(6) CDR USN OSD OGC (USA) (b)(6)
Subject: FW: Dec. 11, 2025 National Guard QFRs

(b)(6)

FYSA. We are developing the timeline for drafting responses and subsequent reviews. MTF.

V/R,

CAPT (b)(6) USN
Director, Senate Affairs
Office of the Assistant Secretary of War for Legislative Affairs
(O)
(C) (b)(6)

From: Reier-Aviles, Wilda (Armed Services) (b)(6)
Sent: Thursday, December 18, 2025 2:30 PM
To: (b)(6) Lt Col USAF NORAD-USNC SPC STF (USA) (b)(6) (b)(6) CAPT USN OSD OASD LA (USA) (b)(6) Goetz, Carlos M SES OSD OGC (USA) (b)(6) OSD Pentagon OASD LA List Leg Ops Team (b)(6) CIV OSD OASD LA (USA)

(b)(6)
Cc: Brewer, Leah (Armed Services) **(b)(6)** ; Chaney, Luke (Armed Services)
(b)(6)
Subject: Dec. 11, 2025 National Guard QFRs

Good afternoon,

Please find attached the questions for the record along with the transcript for the December 11, 2025 hearing "To receive testimony on the Administration's deployment of the National Guard across the United States". Please acknowledge receipt and submit responses to me within 6 weeks (February 2, 2026).

Thank you for your help in advance!

Sincerely,

Wilda Reier-Aviles
Senate Armed Services Committee
(b)(6)

Stenographic Transcript
Before the

COMMITTEE ON
ARMED SERVICES

UNITED STATES SENATE

TO RECEIVE TESTIMONY ON THE ADMINISTRATION'S DEPLOYMENT OF THE NATIONAL GUARD ACROSS THE UNITED STATES

Thursday, December 11, 2025

Washington, D.C.

ALDERSON COURT REPORTING
1029 VERMONT AVE, NW
10TH FLOOR
WASHINGTON, DC 20005
(202) 289-2260

TO RECEIVE TESTIMONY ON THE ADMINISTRATION'S DEPLOYMENT OF THE NATIONAL GUARD ACROSS THE UNITED STATES

Thursday, December 11, 2025

U.S. Senate
Committee on Armed Services,
Washington, D.C.

The committee met, pursuant to notice, at 9:32 a.m., in Room G50, Dirksen Senate Office Building, Hon. Roger Wicker, chairman of the committee, presiding.

Committee Members Present: Senators Wicker [presiding], Fischer, Cotton, Rounds, Ernst, Sullivan, Cramer, Scott, Mullin, Budd [presiding], Schmitt, Sheehy, Reed, Shaheen, Blumenthal, Hirono, Kaine, King, Warren, Peters, Duckworth, Rosen, Kelly, and Slotkin.

OPENING STATEMENT OF HON. ROGER WICKER, U.S. SENATOR FROM MISSISSIPPI

The Chairman: The hearing will come to order. The committee meets today to hear testimony on the deployment of National Guardsmen domestically to assist with immigration enforcement and to help restore law and order in our cities.

I welcome three witnesses today. We are joined by Mr. Charles Young, the Principal Deputy General Counsel for the Department of Defense. We have Mr. Roosevelt Ditlevson, the Principal Deputy Assistant Secretary of Defense for Homeland Defense and America's Security Affairs.

And we will hear from General Gregory M. Guillot, Commander of the United States Northern Command. In recent years, violent crime, rioting, drug trafficking, and heinous gang activity have steadily escalated. The Department of Justice's Bureau of Justice Statistics has released the data on these trends.

According to the Bureau's National Crime Victimization Survey, the rate of violent crime in urban areas increased by 61 percent from 2019 to 2024 -- 61 percent. Last year, the rate of violent crime in urban areas was 46 percent higher than the national rate, and it was 104 percent higher than the rural rate.

The statistics are clear, public safety is at risk in

our cities, and we are in need of well-supported and effective law enforcement. This situation was made all the worse during the Biden Administration. We saw widespread efforts by Democrats to defund the police. These moves constricted law enforcement effectiveness across the nation. For one example, consider Seattle in 2020.

Hundreds of violent protesters took over several downtown blocks. They declared it a police free zone and demanded that the police budget be cut in half. And apparently it did become a police free zone. In the absence of all police presence, violence, open drug usage, and shootings escalated. All the while the city's elected officials did little to stop the chaos. This is but one example of what happens without sufficient law and order.

Now, I would be remiss at this time if I did not recognize that in trying to restore that law and order, there are costs. In particular, I am reminded of the two West Virginia National Guard members who were shot in this city just before the Thanksgiving holiday. Today, we remember Army Specialist Sarah Beckstrom, who lost her life, and we grieve with her loved ones.

Air Force Staff Sergeant Andrew Wolfe remains hospitalized but is showing signs of progress, and we likewise pray for his swift recovery. The public sees these examples of crime in their communities, and they

expect more from their Government. They demand and deserve action.

For this reason, President Trump ordered an immediate and coordinated response by deploying the National Guard to some of our nation's most dangerous cities. These strategic deployments are not only appropriate but essential. Current crime rates in our largest cities have become a substantial burden on local and Federal law enforcement agencies. Increasingly, these agencies are unable to keep our communities safe.

They are underfunded and stretched thin, unable to reinstitute law and order on their own. The Guard is uniquely suited to assist with the fight against crime. They can provide manpower, resources, and specialized expertise that local police departments may lack. Additionally, National Guard units are trained for rapid deployment. They are versatile, able to handle large-scale public safety operations, and provide immediate relief to communities in need.

In fact, the National Guard has a strong history of assisting the domestic law enforcement during times of national crisis. Their expertise in crowd control, search and rescue operations, and logistical support makes them well suited for urban environments struggling with crime related violence.

Not surprisingly, Democratic Governors and left wing pundits have decried these deployments. They have raised concerns about violations of the Possi Comitatus Act, which prohibits the use of military for domestic policing, except in specific circumstances. Others have said these deployments waste money and reduce troop readiness.

These concerns are both manufactured and misguided in my judgment. Mobilizing the Guard is an excellent opportunity for units to enhance cohesion, complete mission essential tasks, and ensure training is complete. Moreover, Guardsmen operate with the highest degree of professionalism. They serve purely in support roles, never crossing the line into law enforcement functions.

They are limited to protecting Federal employees and Federal buildings, providing logistics and communications to law enforcement operations, and most importantly to providing a visible security presence, which supports law enforcement and deters crime. Furthermore, all National Guardsmen serving in our cities operate under the standing rules of the use of force.

These rules prohibit the use of force except in instances of self-defense. All Guardsmen receive extensive training on these rules. I am confident in their ability to operate within them. I am proud of the Guardsmen serving in our nation's capital and in cities throughout

America. I thank them for their service and sacrifice, and for their commitment to restoring law and order.

Every day they help Americans feel safe in their communities. With that, I turn to my colleague, Senator Duckworth. And Senator Duckworth, I hope your voice is in better shape than mine this morning.

STATEMENT OF HON. TAMMY DUCKWORTH, U.S. SENATOR FROM ILLINOIS

Senator Duckworth: Thank you, Mr. Chairman. And also thank you to Ranking Member Reed, again, Chairman Wicker, and Leader Thune for working with me to hold this meeting. I first want to acknowledge the horrific shooting in D.C., as the Chairman has already acknowledged, resulting in the tragic death of Specialist Sarah Beckstrom and injury of Staff Sergeant Andrew Wolfe.

These heroes served with honor and showed up to do the mission despite the risks, as our service members always do. It is a tragedy that never should have happened in the first place. That is exactly why I let my colleagues to push for this hearing. Military service involves risks, and our service members accept those risks knowingly, selflessly, so we better be damn sure that the mission is the right one.

That is clear -- that it is a clear and effective mission that serves our national security. If we stand by while this Administration pursues another irresponsible, open-ended campaign with no defined mission, no clear authorities, no set timeline, and no transparent end State, we fail our troops.

We fail their families, and we fail the American people. Today, we must shine a light on the cost of these

domestic deployments to the American people and to those who wear the uniform of this great nation.

I look forward to getting answers about where this Administration's crusade of misusing the military in American cities is going, and hearing how anyone can justify the damage it is doing to our service members, to civil rights, our public trust in the military, and our service members' ability to execute their critical warfighting missions.

Look, one of the proudest moments in my life was when the first time I ever raised my hand to swear my oath to the Constitution as a member of the Illinois Army National Guard. I cherished every day, every single day that I got to call myself a soldier. And it is because I love our military so deeply that I refuse to let anyone, including the President, abuse it for their own gain.

Right now, thousands of troops are deployed across the country under false pretenses. Here in D.C., the National Guard has been performing missions that don't help with their military training, like spreading mulch and picking up trash. But that, as we have sadly seen, nonetheless carry risk for our service members.

Let me be clear, safety in our community is paramount. But these deployments do not make our streets safer. They do not keep our families more secure. In fact, it is just

the opposite. Instead, President Trump has taken our troops away from their core mission just to do his personal bidding, forcing them to patrol tourist areas in D.C. or invade a city where residents are peacefully, peacefully protesting his inhumane policies.

We know Trump's actions are not about so called law and order. If he cared about law and order, he wouldn't have quite literally defunded our police by freezing and slashing Federal dollars that help to hire, train, and equip law enforcement. If this Administration cared about law and order, it would not be ignoring the growing number of judges, including those appointed by Trump himself, who have deemed these deployments illegal.

In Illinois, a judge from the Northern District found that DHS's account of the situation on the ground "was simply unreliable." The U.S. Court of Appeals for the Seventh Circuit, in a three-judge panel that featured two Republican appointed judges, including a Trump appointee, upheld this view that "the facts do not justify the President's action."

These judges went further explaining that political opposition is not rebellion and reaffirming that First Amendment activity in Illinois is not the sort of threat that would justify a military deployment.

Similarly, another Trump appointed Federal judge, this

time in Oregon, wrote that the Administration had no credible evidence that the protests had gotten out of control and that the President's basis for deploying the Guard was unfettered to the facts.

Our troops deserve to know why they are being asked to do such legally unprecedented and deeply unpopular things on American soil. And make no mistake, this is deeply unpopular. Most Americans don't want this. Poll after poll has found that a majority of Americans oppose deploying troops for missions that should be handled by law enforcement.

This all raises a core question for our hearing today. Why is this Administration so focused on turning our military against Americans here at home? Our military's number one priority must be readiness. We face real growing threats from China, Russia, Iran, and more bad actors on a global stage.

The Department of Defense needs to be laser focused on preparing our troops to defend America's interests abroad, not performing tasks that are meant to be done by civilian law enforcement here at home.

No one else can do the critical work of keeping our families safe from these actual threats, and our troops are already stretched thin for time and resources, yet these deployments are burning priceless readiness, morale, and

resources on open-ended, unjustified missions.

So far, this Administration is estimated to have spent over $341.3 million on the deployments to Illinois, L.A., Oregon, D.C., and Memphis alone, not including the cost of thousands of troops along the border. But these costs are tabulated in more than taxpayer dollars and cannot be overstated, nor can the risk that comes with politicizing our troops for one man's gain.

So, let me close with this. Enabling the President, any President, to send military troops into American cities under transparently flimsy pretext to meet his whims will be -- will have a dangerous and profoundly damaging impact on our nation's military. Our heroes did not sign up for this. They signed up to defend Americans' rights to free speech, not to intimidate Americans from exercising that right.

They were willing to die to defend this country, not to defend one man's partisan agenda. We cannot stay silent as our troops' willingness to sacrifice is abused, or as President Trump erodes the hard won trust our military has earned from the American public.

Because while our armed forces have a sacred role in our country, public trust can be easily lost when the Commander-in-Chief uses them so recklessly, especially when that Commander-in-Chief has already gone so far as to



suggest that the military uses American cities as "training grounds for," again, I quote the President, "the war within."

Look, these days I may no longer be wearing my Army uniform, but it is still hanging up in my closet. But as a Senator and as a member of this committee, my core mission remains the same as when I was in the National Guard, to keep America as strong and as safe as she should be.

The power to deploy our troops domestically must remain exceptional, accountable, and rooted in law, not in one man's judgment about what constitutes disorder. So that is why I am here today. That is why I am so outraged. That is why I am so determined to make sure that for the sake of our troops, we get some answers today. Thank you. Thank you, Mr. Chairman.

The Chairman: Thank you, Senator Duckworth. Let me observe that my Air Force uniform is also hanging up in my closet, but there is no way I could get into it at this point. I also -- let me just mention for the purposes of our audience that these three witnesses were chosen by the leadership of this committee by consensus, and we welcome them here today. Mr. Ditlevson, your opening statement, sir.

MARK R. DITLEVSON, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE AND AMERICAS SECURITY AFFAIRS

Mr. Ditlevson: Good morning, Mr. Chairman, Mr. Ranking Member, and distinguished members of the committee. Thank you for the opportunity to provide an update on the Department of War's role in supporting Homeland Defense, particularly regarding the mobilization of the National Guard.

As the Principal Deputy Assistant Secretary of War for Homeland Defense and America's Security Affairs, I oversee the policies and plans related to these missions, and I welcome the opportunity to brief you today. The Trump Administration has taken every available opportunity to restore law and order in the United States. To that end, the Department has reinvested in its relationship with our Federal, State, and local partners to strengthen safety within our country.

Americans must know that they can walk home at night, that they can take their children to the playground, that they can exist without fear of being attacked. President Trump promised law and order. And through his fearless leadership, he is delivering. Promises made, promises kept.

The Department of War, and specifically the National

Guard, plays a crucial role in responding to a variety of domestic challenges, from protecting Federal facilities and personnel to supporting law enforcement and disaster relief efforts. The importance of the National Guard in this mission comes straight from the top. Secretary Hegseth, a decorated former member of the D.C. National Guard, is ardent and steadfast in the critical role the National Guard plays in supporting law enforcement and keeping the American people safe.

Our efforts are guided by a comprehensive legal and policy framework undergirded most importantly by the Constitution of the United States. We prioritize strict adherence to legal parameters in all of our activities, while faithfully executing the President and Secretary's direction.

To do otherwise would jeopardize good order and discipline and would be dangerous and irresponsible. Recent Executive Orders and Presidential Memorandums have directed DOW to provide specific support in several key areas.

Currently, the National Guard is deployed in several States under both Title 10 and Title 32 authorities, providing support for a diverse set of missions, including Federal protection missions in California, Illinois, and Oregon, support the Federal law enforcement in Tennessee,

and restoring law and order in our Nation's capital. We are committed to ensuring that all National Guard personnel are properly trained and equipped for these missions.

Every single service member undergoes specialized training before being entrusted with the duty to protect American citizens. We emphasize de-escalation techniques, respect for civil liberties, and adherence to the rules for the use of force. We also work closely with State governments and other Federal agencies to ensure a coordinated and effective response to domestic challenges.

The Department of War understands the concerns surrounding the use of National Guard in domestic operations. We are committed to transparency and accountability in all of our activities. We strive to balance readiness for both domestic and overseas missions, adapting our training and resourcing to meet evolving needs.

My office is committed to ensuring that these resources are used effectively and responsibly, as we have throughout President Trump's time in office. Thank you for this opportunity. I look forward to answering the committee's questions.

[The prepared statement of Mr. Ditlevson follows:]

The Chairman: Thank you, Mr. Ditlevson. Mr. Young, you are recognized for your opening statement.

CHARLES L. YOUNG III, PRINCIPAL DEPUTY GENERAL COUNSEL DEPARTMENT OF DEFENSE

Mr. Young: Chairman Wicker, Ranking Member Reed, and distinguished members of this committee, good morning. Thank you for the opportunity to appear before you today on the important topic of National Guard mobilizations.

The overarching concern in all of our National Guard deployments is to ensure that our communities remain safe places where our citizens can enjoy their Constitutionally protected rights in peace, and where Federal officers can perform their valid Federal functions without fear of being physically harmed.

When the Department of War receives a Presidential mobilization order, Supreme Court precedence requires that we presume that he exercised his statutory and Constitutional authorities as the Commander-in-Chief in a manner consistent with the law. These lawful orders, given in exigent circumstances, requires the Department of War to rapidly muster a response to prevent loss of life, of limb, and property in emergency situations.

The Department issues carefully tailored guidance to commanders and mobilized National Guard personnel, focusing their mission on the protection of Federal functions, personnel, and property. In doing so, the department has operated well within the law established by long-standing

Supreme Court precedent and longstanding Department of Justice legal opinions.

The Department of War has also received, evaluated, and responded to numerous requests for assistance from the Department of Homeland Security and the Department of Justice under well-established statutory frameworks for assisting other Federal agencies in performing their Federal functions and assisting State and local law enforcement authorities.

The dedicated -- women of our National Guard have selflessly stepped forward to heed the call of duty and have served our nation with distinction. From all reports, they are well received by the citizens they serve and have comported themselves in an exemplary manner.

As a result of their service, our communities are safer. Our Federal law enforcement officers can more safely perform their legal functions, and obstructions to the proper execution of Federal laws are being removed. I look forward to answering your questions.

[The prepared statement of Mr. Young follows:]

The Chairman: Well, thank you very, very much. And now, General Guillot, you are welcomed here and recognized for your opening statement.

GENERAL GREGORY M. GUILLOT, USAF, COMMANDER, UNITED STATES NORTHERN COMMAND

General Guillot: Good morning. Thank you, Chairman Wicker, Ranking Member Reed, and the distinguished members of the committee. I thank you for the opportunity to appear today alongside Mr. Ditlevson and Mr. Young regarding the deployments of the National Guard in Title 10 status within the United States.

I would like to start by acknowledging the essential role of the Army and Air National Guard teammates play in defending the homeland every day. Right now, Guardsmen under the command and control of NORAD and USNORTSCOM are defending against ballistic missile threats, protecting national airspace, supporting Federal law enforcement, and helping seal and repel illegal activity at the southern border.

In fact, there isn't a single NORAD or USNORTHCOM mission that doesn't rely on our National Guard teammates. I will center my comments this morning on United States Northern Command's roles and responsibilities in commanding and controlling Title 10 forces conducting the Federal protection mission in support of Federal law enforcement agencies.

At the direction of the President and the Secretary of War, Army National Guard personnel operating in Title 10

status are tasked with protecting Federal functions, which includes property, entities, and Federal personnel performing Federal functions, including enforcement of Federal law in California, Oregon, and Illinois.

There are also currently 200 National Guard personnel in Title 10 status at Fort Bliss, Texas, who are available for this mission if necessary. The assigned forces in all four locations operate under the command and control of USNORTHCOM, while reporting to U.S. Army North.

This provides a unified command structure that ensures disciplined execution of the assigned missions and clear accountability. Accountability and adherence to all applicable laws and policies are critical, and USNORTHCOM will continue to comply with all laws, regulations, and applicable court orders.

In adherence with Federal court rulings, personnel in Oregon and Illinois remain Federalized on Title 10 status but are not executing the Federal protection operational mission. Meanwhile, 100 service members in California in Title 10 status are executing the Federal protection mission in accordance with the stay issued by the Ninth Circuit as litigation continues to progress.

NORTHCOM is in coordination with the department regarding the order issued yesterday by the District Court in California. From the outset, I have directed that every



service member participating in Federal protection missions be thoroughly trained on their authorities and limitations.

It is essential that everyone involved in this mission understands precisely what they are authorized to do, but perhaps more importantly, what they are authorized not to do. To be clear, Title 10 forces are prohibited from conducting traditional law enforcement activities, including arrest, seizure, search, or evidence collection in connection with the enforcement of laws.

Their mission is to take reasonable measures to protect the destruction or defacement of Federal Government property, including preventing civilians from attacking Federal facilities, stopping ongoing interference with Federal functions by civilians, or preventing civilians with a demonstrated intent to interfere with the Federal functions from such interference.

The mission also includes protecting Federal personnel from harm or threat of death, or bodily injury. As such, service members may temporarily restrain civilians, conduct cursory searches, or take other similar measures to ensure the safety of the persons on the property.

To date, only one civilian has been temporarily detained by military personnel. That occurred on June 13th when, despite verbal warnings, an individual crossed a clearly marked boundary surrounding the Wilshire Federal

building in Los Angeles. In accordance with applicable law and policies, that individual was only detained until they could be handed over to proper law enforcement personnel.

Title 10 forces are present to protect Federal property and Federal personnel in the execution of their responsibility to enforce Federal law, not to replace them. Local, State, and Federal law enforcement remain fully responsible for public safety and policing, while the objectives of the military professionals performing this mission are safety and continuity of the Federal functions, and if necessary, de-escalation, not confrontation. I met a young Marine in Los Angeles this summer.

And when I asked him to describe his assigned mission, he told me that it was to ensure that the American citizens exercising their right to peaceful assembly and protest were able to do so safely. I think that sums up both the mission and the professionalism of the service members assigned to this mission very well.

The Federal protection mission is an example of the department's unique capabilities to support partners during extraordinary circumstances. NORAD and USNORTHCOM are proud of the command's ability to rapidly deploy trained, disciplined forces when and wherever they are needed, and the well trained, professional, and ready National Guard is crucial to that effort.



Again, I would like to thank the committee for the opportunity to speak today, and I look forward to your questions.

[The prepared statement of General Guillot follows:]

The Chairman: Thank you very much, General. And I think I will start with you. Specifically, why bring the Guard in? What does it offer that law enforcement and other Federal agencies cannot do?

General Guillot: First and foremost, Chairman, they are extremely disciplined, and they can very quickly be trained to conduct any mission that we task of them.

When they come in, we train them on what they are authorized to do, which is rooted in the Mayday opinion and their 12406 authorities, and also the Secretary's directive action, which is to prevent destruction and defacement of the Federal facilities and to protect the execution of Federal functions.

They can do that because they are disciplined, they are well trained, and they very well understand the limits of their authorities.

The Chairman: Well, what are the benefits to the guard? My first question was the benefits to the community and what they could bring, but what about the individuals that are being deployed? Do they benefit from this also?

General Guillot: Yes, sir, they do. We work very closely with the TAGs from each State to ensure that the training they receive not only benefits them in their Federal function that they are performing for us, but also in their State role.

So in the context of the mission, they get not only training on the standing for the rules of use of force and also the civil disturbance operations that they could potentially execute, but they get small unit training, they get all of their medical training complete, they get all of their weapons qualifications and many other small unit tactics that benefit them in both statuses.

Also at this time, the majority of those serving in this role are volunteers, so it helps them in their pursuit of a career. And then it also allows us to trade out people who are assigned, but maybe have school or other functions, to ensure that the people that are serving not only are very good at their job, but they want to be there, and they are there on voluntary status.

The Chairman: Mr. Young, you are the counsel in this panel. Tell us what the Posse Comitatus Act is and how this deployment, this type of deployment we are talking about today, does not violate the Posse Comitatus.

Mr. Young: Thank you, Senator. The Posse Comitatus Act was an Act that was passed not long after the Civil War that addressed concerns regarding the use of Federal troops in conducting domestic law enforcement.

Up to that point in our nation's history, there had been a long practice of using Federalized troops domestically. And so Congress, in order to make sure that



local officials were not able to gain the support or the use of Federal troops in dealing with local circumstances, passed the Posse Comitatus Act.

It essentially precludes the Department and military personnel from being used in a manner that would pervade the local law enforcement and that would subject civilians to direct military authority. And over the course of time, the Department of Justice has analyzed that rule in relation to National Guard deployments.

For the vast majority of National Guard deployments, they are considered to be non-Federalized. Most of the time that the National Guard is used, they are used under the control, direction, and authority of their Governors, and they are in either what is called a State active duty status, or they are in a Federally funded but State controlled status, which is otherwise called Title 32.

In both of those circumstances, they are considered to be non-Federalized. They are also considered to not be part of the Army. And while that is an important legal distinction, because therefore the Posse Comitatus Act prohibits any part of the Army from being used domestically.

And therefore, non-Federalized National Guard have long been used to be able to conduct domestic law enforcement operations. And there is a very long-standing

and consistent practice of using non-Federalized National Guard, such as what is here in the district today and what is in Memphis as well today, are in Title 32.

The other aspect is the authority of the President, as the Article II authority to ensure that the laws are faithfully executed and to protect the sovereign, to be able to use Federal forces whether it be active component troops or whether it be National Guard personnel to protect Federal functions and property.

The Chairman: So just to nail this down, there are Federal case law precedents that cause you to believe that what is being done currently is in accordance with Federal law.

Mr. Young: That is right, Senator. As well as long established Department of Justice legal opinions that say that when Federal functions, property are at jeopardy, the Posse Comitatus Act does not limit the President's ability to be able to protect those functions.

The Chairman: All right. Thank you so much. Senator Reed.

Senator Reed: Thank you very much, Mr. Chairman. Thank you, gentlemen. The National Guard has been deployed on numerous occasions, but these circumstances seem somewhat unique.

And in addition to that, the Secretary of Defense has

just ordered the National Guard to create a response force and a nationwide deployable quick reaction force. These forces -- so, let me ask Mr. Ditlevson. What is the purpose of these forces, Mr. Ditlevson?

Mr. Ditlevson: Thank you for the question, Mr. Ranking Member. These two situations, the National Guard Response Force and the National Guard Quick Response Force, are already preexisting functions that are being reorganized and reequipped to a higher level and modernized to be able to serve their functions better. So, these are already existing capabilities within the National Guard, and we are just changing the manner in which they are task organized to be more effective.

Senator Reed: So, there is no change in mission.

Mr. Ditlevson: There is no change in mission, that is correct.

Senator Reed: So they have to respect the Posse Comitatus Act and not become enforcers of domestic law.

Mr. Ditlevson: If they are employed in Title 10 status, that is correct, sir.

Senator Reed: And Title 32 status would require the concurrence of the Governor or not?

Mr. Ditlevson: That is correct.

Senator Reed: Okay. There is a -- when this program was rolled out, Mr. Young, there was a suggestion that one

of its main purposes is deterrence, which touches upon a basic right of Americans to come together peacefully and demonstrate in cities and towns across the country. But this deterrence effect one could argue could inhibit or is designed effectively to inhibit those assemblies. Would that be Constitutional?

Mr. Young: Mr. Ranking Member, thank you for the question. I think the presence of National Guard personnel at Federal locations is designed to protect those Federal property and functions from violence -- from the threat of burning a building, of officers being harmed in the execution of their functions, or the impedance of those Federal functions.

Those functions do not impede in any way or deter people from exercising a valid Constitutional right to protest. Obviously, people have protested throughout the history and course of our country in many ways.

When they go beyond what is a legal protest and cross the line into violence against Federal officials in the execution of that protest, the design for the deployment of these National Guard personnel is to simply protect the Federal functions and the personnel that are being harmed.

Senator Reed: So you would concur with Judge Breyer in California Federal courts who declared the actions of National Guard and other military as unconstitutional. I

believe one of the areas that they were protecting was MacArthur Park, which is not a Federal facility -- or at least they were making sweeps through MacArthur Park. But do you concur with Judge Breyer's conclusion that the President acted unconstitutionally?

Mr. Young: No, Senator. I would say that I concur with the Ninth Circuit's decision that the President acted lawfully, and I disagree with the District Court's decision. I respect the District Court's decision.

And it is my understanding that the actions in MacArthur Park were designed to protect the Federal officers that were otherwise there that were not uniformed military personnel that were performing a valid legal Federal function.

Senator Reed: Thank you. General Guillot, first of all, thank you for your service and your very difficult job of maintaining a balance between your military responsibilities and many of the orders you are given.

If you were -- if the President declared an organization, a terrorist organization or DTO, which is on a secret list, and you were ordered to attack them on U.S. soil, would you carry out that order?

General Guillot: Senator Reed, as with any order I get, I would assess the order, consult the, you know, legal authorities to ensure that it was a lawful order, and I

would -- if I had questions, I would elevate that to the Chairman and the Secretary, as they welcome at all times. And if I had no concerns and I was confident in the lawful order, I would definitely execute that order.

Senator Reed: You were at Quantico when the President addressed the officers?

General Guillot: I was, sir.

Senator Reed: So, he said there is an enemy within. And he also said that -- to these officers, you included, you are going to be a major part for some of the people in this room. That is a war too. It is a war from within. The President essentially indicated that you should be prepared to conduct military operations in the United States against this enemy within. Are you doing that?

General Guillot: Sir, I have not been tasked to do anything that reflects what you just said.

Senator Reed: Do you have any indication of who this enemy within is?

General Guillot: Sir, I do not have any indications of an enemy within. We maintain readiness to execute the orders both -- you know, to defend the homeland in many ways, but I have not been tasked in that way.

Senator Reed: Well, I would assume that the enemy within does not include the thousands of people who attacked the Capitol and were later pardoned by President

Trump. So, it must be some other group of Americans. Thank you.

The Chairman: Senator Cotton.

Senator Cotton: General Guillot, you have been on the job since last year. Have you received any illegal orders this year?

General Guillot: Senator, I have never received any illegal orders throughout my career.

Senator Cotton: Never once in your entire career.

General Guillot: I have never.

Senator Cotton: You have been around for a while, haven't you?

General Guillot: Yes, sir, I have.

Senator Cotton: Okay. Mr. Young, I will just continue that down that order. I mean it is -- you have lawyers to make sure that people act lawfully. That is why our combatant commanders have JAGs, why the President has lawyers, why this committee has lawyers, why a business executive has lawyers. And isn't it the case that non-lawyers, laymen don't always know what the law is? Is that so?

Mr. Young: Yes, Senator, that is true.

Senator Cotton: And in your long and illustrious career as a lawyer, I am sure you have had a client who has asked you whether some course of action is lawful or not,

and you have had to tell them, no, that is not lawful, right?

Mr. Young: Most certainly, Senator.

Senator Cotton: And that is why we have lawyers around, is to help inform the decisions of responsible persons who are laymen and who are not actually lawyers, right?

Mr. Young: Yes, Senator.

Senator Cotton: Is there a presumption of lawfulness of orders in the military?

Mr. Young: Yes, sir. Yes, sir, there is a presumption of lawfulness not only in the Uniform Code of Military Justice, but the Supreme Court precedence that is long established going back more than 150 years.

Says that whenever a statutory authority is given to the President, that it is presumed that he is acting in accordance with that law, and longstanding Supreme Court precedent that deals with the necessity for a valid presumption of lawfulness in an order that is issued by the President.

Senator Cotton: Okay. Thank you. Let's turn to some other basic questions of Constitutional law. I know that you are familiar with them from your time in the Department. Does the does the President, not just this President, but does any President have the Constitutional



authority to Federalize the National Guard to protect innocent life and property?

Mr. Young: Senator, the answer to that is in the Constitution, the States relegated their authority to Congress to be able to call forth the militia in times of exigent circumstances. Congress in turn granted that authority to the President through Federal statute, which remains in effect today and is the basis for these current deployments.

Senator Cotton: And that authority extends even to States that refuse to mobilize their National Guard or where Governors oppose the President executing that Constitutional authority. Is that right?

Mr. Young: That is certainly true, sir. We have, in the course of history, been in circumstances where the President has had to mobilize National Guard over the objection of a Governor.

Senator Cotton: Okay. Can you cite any specific precedent of that?

Mr. Young: Yes, Senator Cotton. Little Rock, Arkansas.

Senator Cotton: I thought you might say that.

Mr. Young: Yes, sir.

Senator Cotton: Yes, it is a very regrettable moment in our State's history when our Democratic Governor

mobilized the National Guard specifically to obstruct an order to desegregate Little Rock Central High School in 1957, which then forced President Eisenhower to immediately Federalize the Guard to ensure those students could actually go to school in accordance with that order.

I think I will just leave it there and say thank you all for your testimony and for your service. And I want to join my colleagues in expressing prayers on behalf of all Arkansans for Specialist Sarah Beckstrom's family and for the continued rapid recovery of Sergeant Andrew Wolfe, and support prayers for all of our Guardsmen, whether they are mobilized right now across the country or somewhere around the world, to include the Arkansas National Guard who just got here to Washington D.C. and got out on patrol. So, thank you all.

The Chairman: Thank you, Senator Cotton. Senator Hirono.

Senator Hirono: Thank you, Mr. Chairman. I would like to also convey my immense respect for the men and women who serve in the National Guard, and of course particularly the two brave soldiers who were shot prior to Thanksgiving, one of whom having since tragically passed away.

Today's hearing asks a simple but profound question, what kind of country are we becoming? In August, referring

to domestic military deployment, the President said, "not that I don't have the right to do anything I want to do, I am the President."

In September, he doubled down admitting he wants to use American cities as "training grounds" for the military, telling military leaders to "handle" the "enemy from within" -- enemy from within -- before it gets out of control. So, we have a President who believes that whatever he does and says is lawful.

That is why whenever we have witnesses saying that they abide by lawful orders of the President, it makes me question what you think is lawful, because you all believe with the President that whatever he says and does is lawful.

Over the past year, this regime has deployed National Guard troops into American cities under legal theories that are untested at best, and at worst stretched law beyond recognition. They have used vague claims of rebellion and chaos to justify putting soldiers with rifles and military vehicles onto our streets, even as crime in many of these cities has actually fallen.

This is a regime that does not use facts as the basis for their decisions. We are not here today because local law enforcement failed. We are here because the Trump regime chooses to treat ordinary public safety challenges

as a pretext for a sweeping show of force. Again, this isn't about the effectiveness of local law enforcement.

How do we know? Because this regime has cut over $800 million in Department of Justice grants to State and local law enforcement for community safety initiatives like policing and violence prevention. We will hear a lot of legal stuff, I call it today, Title 10 versus Title 32, the reach of Section 12406, Posse Comitatus., but behind those legal debates is a basic question about how we think about the use of power in our democracy.

When Americans step out of Union Station in Washington, D.C., for example, do we want them to see soldiers on street corners, military trucks at intersections, and the visible sign of a police state? Or do we want them to see the openness, the energy, and the confidence of a democracy that does not need to put troops on its streets to feel secure?

And right now, the daily relationship between Americans and the D.C. National Guard is being fundamentally altered. These deployments are challenging -- are changing how people experience their own capital city and how they view our military.

This is not normal. Don't tell me it is normal to have National Guard in-- where are the cities? L.A., Portland, Chicago, D.C., Memphis. Don't tell me this is



normal. It is not normal for a President to attack blue cities controlled by Democratic Mayors or Governors in this blue States.

The listed regime has pushed boundaries that prior Presidents, Republicans and Democrats alike, respected for generations. And that has to do with the non-politicizing of the military.

The American people deserve answers to what we are doing in deploying all these troops to our cities. And you know, I just want to ask Mr. Young. You know, the President at one point said that protesters should be shot in the street. Is that a legal order?

Mr. Young: Well, I am not aware of the President giving any order to that nature or effect.

Senator Hirono: He said it to Secretary Esper.

Mr. Young: Senator, I am not aware of that, and I am not sure when that conversation may or may not have occurred.

Senator Hirono: Let's say that the President issues such an order -- he said so. He said so, okay. Is that a legal order?

Mr. Young: Senator, orders to that effect would depend on the circumstances in that --

Senator Hirono: Well, the President applied no conditions. So, we have a President who doesn't think that

the rule of law applies to him, and he wants to show force.

And the question I have for Mr. Ditlevson is, you know, I would like to know what kind of assessments were done as to the impact of these kinds of deployments that have already used up $340 million to date and more as long as these troops are going to be continue to deploy to the cities that I have mentioned and others.

Like what kind of assessment done by whom as to what the impact of these deployments are on our readiness and other questions that should be of significance --

The Chairman: Can you answer that question briefly, Mr. Ditlevson?

Mr. Ditlevson: Yes, Mr. Chairman. Thank you for the question, Senator. In the Department, we are constantly assessing all costs related to these deployments, readiness costs, fiscal costs. And I can say without a shadow of a doubt, this is not having a negative effect.

This is a modest burden on the department. Most of these deployments are reimbursable in nature. They are not a Department of War bill. And the number of troops that have been deployed are very small relative to the overall National Guard Force.

And the National Guard Bureau has given us those assessments and said this is not negatively affecting them.

The Chairman: Thank you --

Senator Hirono: I find that hard to believe. Thank you.

The Chairman: Thank you, Senator Hirono. And now, Senator Rounds.

Senator Rounds: Thank you, Mr. Chairman. First of all, good morning. I thank you for taking the time to participate in this. And I recognize that, as the committee has asked, we brought you in here because we want to learn as much as possible and share that with the American public.

I would also like to take this time to, as my other colleagues have done, to recognize the Guardsmen who are keeping our capital city safe, especially the two West Virginians who were so viciously attacked last month.

Our thoughts and prayers go out to the families of Army Specialist Sarah Beckstrom and her family grieving her tragic loss, and Staff Sergeant Andrew Wolfe, who survived but has a long road to recovery ahead. Their presence in America's capital made a significant difference, and we honor their service and their sacrifice.

Gentlemen, as you know, the National Guard has been deployed to assist with domestic security since before the Constitution was written. Our National Guard has often been deployed to assist in law enforcement operations when State and local authorities were unwilling or unable to do

so, ranging from enforcing desegregation laws to helping quell riots.

Based on your analysis of historical deployments of the National Guard, do these deployments initiated by the current Administration deviate in any material way from the domestic National Guard deployments initiated by previous Administrations? And I am going to start with Mr. Young.

I would really like you, if you could -- you have kind of done it a little bit for a number of different members, but you have given historical context for the legal framework and the use of Federal troops for domestic missions.

But could you take a few minutes and kind of bring the committee and those listening kind of up to speed as to how this works and the political background on how we actually use the National Guard throughout our history -- and the legal framework for doing so.

Mr. Young: Thank you, Senator. I would be happy to. The nation established a framework of State, Federal authorities in being able to administer the National Guard. And in many ways, as the country developed, the National Guard was considered the force of first resort rather than bringing in troops from the regular Army, or the active component Army, or Navy, or Air Force.

The founding fathers wanted to resort to utilizing the

National Guard because they were citizens and from the communities that were involved. And these books that I have here are just books on the role of Federal military forces in domestic disorders, and there is tons of examples of that. It is quite voluminous.

There is lots of examples over the course of the nation's history. And most of the deployments that are done, are done in the cooperation or with the cooperation of State authorities. State authorities ask for it, State authorities are in control. Most of them are State funded many times and State operated.

But there are times when, say for instance, in Katrina and needing to be able to address a disaster that was coupled with civil disturbance, the scope and magnitude of the circumstances or the nature of it necessitate Federal funding, but they are still under State control.

But the Constitution recognized that there would be certain exigent times at which time the country and the President would need to be able to act quickly and be able to mobilize the militia to be able to respond to the threats that were present. And they are enumerated not only in the Constitution, but in the statute that you wrote.

Senator Rounds: And when we talk about Federal funding but under State control, we call that Title 32. If

it is under Federal funding and under the direction of the President, it is Title 10. Fair to separate?.

Mr. Young: That is very -- that is accurate, Senator.

Senator Rounds: And so, in this particular case we have two different sections that are utilized. Can you share for just a minute please how critical it is to be able to differentiate between those two uses for the National Guard, and the training that goes in to the Guardsmen and their officers about how to understand the differences, please.

Mr. Young: Yes, Senator. The distinction is critical. When National Guard personnel are in a Title 32 status, they are subject to the control, direction, and authority of State officials. The Governor is their commander-in-chief.

When they are ordered to Federal service, that by Federal law, 32 U.S.C. 325, that relationship with the State is severed by Federal law, and the President becomes their Commander-in-Chief through the Commander of NORTHCOM. And that then governs the rules for the use of force.

When they are in State authority, they are following State rules, State law, State responsibilities. When they are in a Title 10 status, they are following the standard rules for the use of force that are under General Guillot's concern, sir.

Senator Rounds: Thank you. Thank you, Mr. Chairman.

The Chairman: Thank you, Senator Rounds. Senator Kaine.

Senator Kaine: Thank you, Mr. Chair. I began again with as many others have, just expressing condolences to the family of Sarah Beckstrom, 20 year-old Specialist from Webster County, West Virginia. She enlisted in the West Virginia Army National Guard when she was a senior in high school.

Andrew Wolfe, the Staff Sergeant, 24 years old, who is, thank God, recovering in critical condition, but recovering from Martinsburg. Had been in the Guard, also enrolled in his senior year in high school. I also want to mention other colleagues the name that hasn't been mentioned, Alabama Staff Sergeant Jacob Hill, a 30 year-old who had served in the Guard for 13 years.

He died during the deployment to D.C. in a non-duty medical emergency when he was stationed at -- residing in a hotel in Virginia. He died on the 13th of November. The D.C. deployment has been the subject of a litigation. And I want to read the ruling of the court in District of Columbia v. Donald J. Trump from November 20, 2025, six days before the two soldiers were assassinated.

Here is the ruling of the court. First, the DOD defendants have exceeded the bounds of their authority

under Title 49 of the D.C. Code and thus acted contrary to law in deploying the D.C. National Guard for nonmilitary crime deterrence missions in the absence of a request from the city's civil authorities.

And second, these defendants lack statutory authority under 32 U.S.C. Section 502, Section 32, to support their request for assistance from out of State National Guards and their actions in calling those guards to the district. The court ruled that the D.C. Guard couldn't be used for Guard variety law enforcement activities without a request by the Mayor, and the out of State Guards could not be summoned here that violated the defendant's legal responsibilities and exceeded it.

The Administration is appealing that order. That order came down six days before the assassination of these troops. The Administration is appealing as is their right. But I just want to say to the families, what we owe to you is a vigorous prosecution to the full extent of the law of the criminal who assassinated these two individuals, killing one and badly wounding the others -- and badly wounding Staff Sergeant Wolfe.

But if this legal order is upheld and these were unlawful missions, these individuals shouldn't have been here. They should have been celebrating Thanksgiving with their families at home rather than patrolling near Farragut



Square in Washington. And if those legal orders are withheld, they is something additional we owe these families in addition to the prosecution of the assassin.

The civil officials for an unlawful deployment will owe these families a deep, deep apology for the losses that they have suffered. The prosecution of the assassin is important, but responsibility and acceptance of responsibility from civil servants issuing illegal orders is also important. It is deeply important.

I would encourage my colleagues to read the 61-page order that was issues. I think it is quite persuasive. We will see how it stands up on appeal. But I have the deep feeling on the day that the sad news broke about the shooting that the two West Virginians should have been home with their families celebrating Thanksgiving that day rather than here on a mission of questionable legality.

General Guillot, I want to ask you a question in my remaining seconds. You talked about the training that Guard members receive. What training do Guard members receive when they are deployed in these missions about dealing with folks who present with mental health issues? Local law enforcement receive very significant training on this topic. I wonder what training our National Guard members receive on this topic.

General Guillot: Senator, those that are deployed in

Title 10 status receive two primary types of training before they are allowed to go on mission. The first is on the standing rules for the use of force to ensure that at first they learn how to de-escalate and then use non -- any force as a last resort, but first non-deadly force before deadly force, only when all lesser means have been attempted and failed and they are protecting themselves or the fellows.

Senator Kaine: I know I am over time, but in either of the two kinds of training that you were describing, do these Guard members receive the critical training about dealing with folks with mental health instances?

Because I spoke with Mayor Bowser the other day and she talked about the fact that the Metro PD all receives significant mental health training because a significant percentage of the instances where they are interacting with folks who might be a danger to themselves, or others are driven by mental health issues.

It was her impression and mine as a former Mayor and Governor that that is not the kind of training that our National Guard members receive.

The Chairman: What is the answer to that, General?

General Guillot: Senator and Chairman, the answer is they do not receive specific training in that regard.

Senator Kaine: Thank you.

The Chairman: Senator Scott.

Senator Scott: Thank you, Chairman. Thank each of you for being here and your decades of service to our country and our warfighters. I want to start today by recognizing Specialist Sarah Beckstrom, Staff Sergeant Andrew Wolfe, two heroes who were tragically attacked by a monster, keeping our nation's capital safe.

I also want to ask every American to keep Specialist Beckstrom family in their prayers as they deal with the pain of losing a child. As a parent and a grandparent, I can't imagine what that is like.

And of course, all of our prayers go for a full recovery for Staff Sergeant Wolfe. These are two heroes, like all of our National Guardsmen volunteered to keep our country safe and stepped up to clean up Democrat run cities all around the country that were running rampant with soaring crime and lawlessness.

We have -- seen record low crime and real results as people are finally comfortable living in their own homes again in places like Chicago, Memphis, and our nation's capitals. Families of my State are finally comfortable coming to Washington, D.C. again because they feel safe. For each of you, can you just give me an example of how we some of the work the Guard has done and what you are most proud of? Starting with you, General.

General Guillot: Senator, I am proud of all of the Guard forces that have come under Title 10 command and control.

Their discipline, their adherence to all policies, and their cooperation with local law enforcement and State law enforcement in each of the regions where they are employed to me is very impressive. It is much appreciated from our standpoint, and I think it shows that they continue to be citizen soldiers even in Title 10 status.

Senator Scott: Mr. Young.

Mr. Young: Senator, as the former General Counsel for the National Guard Bureau with 20 years of service there, as well as service in the West Virginia Guard, first I would share your sympathies for the family of Specialist Beckstrom and Staff Sergeant Wolfe.

I would say that I have seen the National Guard in my time, in my 20 years having advised on National Guard issues, do exceptional things, everything from domestic emergency response and making sure our communities are safe, to helping us execute Operation Midnight Hammer in a way that really could not have been done without a total team effort.

And so, the National Guard is always ready, it is always there, and every member of the National Guard that I have served with are exceptional professionals who are able

and willing and ready to accomplish the mission whenever it presents.

Senator Scott: Mr. Ditlevson.

Mr. Ditlevson: Senator, it is an excellent question. And I am most impressed with situations where Governors have stepped up and taken the Federal Government's offer of doing Title 32 activations because of how they can help local law enforcement. The data speaks for itself.

Serious crime rates in Memphis, for example, are down over 45 percent year to date, and I believe that is a direct reflection of the National Guardsmen at work there. There are similar numbers in D.C., and we are incredibly grateful to the over 10 States that have sent National Guardsmen to the city, including the D.C. National Guard, who are doing that great work. The results are impressive and speak for themselves.

Senator Scott: Thank each of you. President Trump is clearly doing the right thing. He is focused on keeping our country safe, keeping our cities safe, and I am very thankful that he has been willing to do this to make it safe for people to travel this country. Thank you.

The Chairman: Thank you. Thank you very much. Senator King.

Senator King: "A large standing army in time of peace has ever been considered dangerous to the liberties of a

country," George Washington. The founders of this country understood the dangers of a military presence within our borders. James Madison, "a standing military force with an overgrown Executive" -- that sounds familiar, doesn't it? "An overgrown Executive will not long be safe companions to liberty."

Again, Madison at the Constitutional Convention, "the means of defense against foreign danger have always been the instruments of tyranny at home." Patrick Henry, "a standing army we shall have also to execute the excoriable commands of tyranny." Finally, Samuel Adams, "a standing army, if it shall be established, will undoubtedly be permanent and the people will become slaves."

I want to sort of broaden this discussion from the specific to the more general. What concerns me about the cases we are talking about today is the normalization of deploying the military domestically.

We have got laws about it, and you guys can thread the needle and talk about how this or that deployment is okay or not okay, but the idea of deploying Federal troops into American cities, particularly against the wishes of the Governor -- and Mr. Ditlevson, you said something that was borderline humorous.

You said, we will work closely with State and local governments. That didn't happen in Illinois or in

California. So, this -- we are talking about a broader issue here that I think is extremely dangerous.

And the reason it is particularly dangerous in the present moment is we have a President who has a very low bar as to what constitutes an emergency. I live in Maine on the border of Canada. There is no emergency with Canada. And yet, this President declared an emergency in order to impose tariffs on Canada, which is wrecking their economy.

So the idea that we are saying that the President has the power to, in his own mind, decide what an emergency is and then deploy troops into our cities, I think is exceedingly dangerous. And the people who founded this country thought so too.

So I just -- I think we can talk about the legality of a particular deployment here or there, but the principle is what is so dangerous, and the founders of this country understood that in many, many ways. For example, in the Constitution, the Army, you are only allowed -- we are only allowed to fund the Army for two years.

That was for a purpose, in order to limit the whole idea of a standing army. We now have a standing army. We have an all-volunteer Army. And then we have this quick reaction force which has essentially become a special army on behalf of the President.



And I am not necessarily -- I mean, I do criticize this President for his low standard of what constitutes an emergency, but this is a dangerous precedent for any President. And that is what concerns me about this, gentleman.

And Mr. Young, you -- are familiar with the concepts and the principles of the Constitution. Speak to the more general question that I am raising, not the specifics of Washington or Los Angeles, but the idea of the normalization of use of troops in our streets, I think, is extremely dangerous and the founders of our country would, I think, agree.

Mr. Young: Thank you, Senator. I would just say that immediately after the passage of the Constitution, Congress passed a law that would delegate their authority to determine when the militia could be called for, and they delegated that authority to the President.

George Washington himself, whom you quoted, immediately put that to use. And George Washington mustered 13,000 militiamen and marched them to Pennsylvania to suppress --

Senator Cotton: To suppress the Shay's Rebellion --

Mr. Young: Sir, it was the Whiskey Rebellion. The Shays Rebellion was in Massachusetts. Whiskey Rebellion is in Pennsylvania, where they tarred and feather tax

collectors.

And the President sent them there to protect Federal functions and the officers who were performing their duty, very similar to what was there. And that original statute, sir, it had a provision in it that a Federal judge would need to make the determination that the laws were not being able to be enforced.

And after George Washington moved the troops to Pennsylvania, Congress came back and amended that and took that out and put it within the discretion of the President. And it wasn't long after that that the Supreme Court, the Supreme Court reviewed that and muster. The Supreme Court went in and reviewed an actual mobilization of the militia to deal with an exigent circumstances --

Senator King: So was there no realistic check on the President? Can the President declare an emergency -- and I think it has been testified here today, what is bothering everybody is this President keeps using the term the enemy within. And he is not talking about Al Qaeda, and he is not talking about the Russians, and he is not talking about the Chinese.

We can't tell quite who he is talking about, but the use of the term the enemy within as a justification for deploying troops, it is a -- maybe it is a question of judgment and what the standard is. And it just strikes me

-- I mean, you don't -- you seem unconcerned about this --

Mr. Young: Well, Senator, if I may, I think the Supreme Court has directly asked that question in the context of the President's ability to mobilize the militia. And if I may, I would answer by giving you some of the language of the Supreme Court. And it says, by whom is the emergency to be judged? Is the President the sole and exclusive judge as to whether an emergency has arisen? Or is it to be considered an open question which every officer may decide for himself, or contested by every militiaman who should refuse his order?

The Supreme Court unanimously ruled that the authority to decide whether the emergency exists belongs exclusively to the President, and that his decision is conclusive on all other persons.

And the Supreme Court again, in another Supreme Court decision said, after the President has acted and called out the militia, is a Circuit Court of the United States authorized to inquire whether his decision was right? If the judicial power of the United States extends so far, then the guarantees in the Constitution are a guarantee of anarchy and not of order.

And then lastly, with respect to whether or not there is a remedy, the Supreme Court recognized that there might be circumstances where this may be perceived to be abused.

And it says, the law does not appeal provide any appeal from the judgment of the President and for any right in a subordinate officer to review or question his decision before they enforce it.

It says, such power may be abused, for there is no power for which is not susceptible of abuse, but the remedy for this, as well as for any other official misconduct, if it should occur, is to be found in the Constitution itself. And sir, that is the Supreme Court's decision --

Senator King: And what is that remedy that is in the Constitution? Impeachment? Elections? What --

Mr. Young: Elections. And I think one of -- the frequency of elections is one of the things in the Supreme Court decision of Mott, Martin v. Mott of 1847 is -- that is the one of the factors that the Supreme Court discussed.

As to a remedy, when the people and this body may disagree with the President's determination, that an exigency exists, sir.

Senator King: Thank you, Mr. Chairman.

The Chairman: What -- Mr. Young, could you -- counsel behind us would like for you to State for the record what case you were quoting in answer to Senator King.

Mr. Young: Yes. The language comes from Martin v. Mott, which is -- 1827, as well as -- Debs and Luther v. Borden, which is at 48 U.S.C. 1847.

Senator King: By the way, Counselor, the organization that you work for is the Department of Defense, 10 U.S.C. 111A. Thank you.

Mr. Young: Thank you, Senator.

The Chairman: Thank you for repeatedly making that point, Senator. Senator Sheehy.

Senator Sheehy: Thank you, Chairman. I always find it interesting when Constitutional scholars and law of the sea scholars parachute from the rafters during every Trump decision. But we are not a legal body, we are a political body.

So if you want a legal body, there is one a block away of white marble. It is a beautiful building. We are a policy body. We are a political body.

But just to set the record straight, to your knowledge, Mr. Young, has the President issued any illegal orders or have illegal orders been followed in the course of the National Guard deployments to our Southern border and our cities?

Mr. Young: Senator, no, the President has not issued any illegal orders, and the Ninth Circuit has ruled in that favor.

Senator Sheehy: Okay, so we have cleared that up. And there is a case under appeal, which, as Senator Kaine pointed out, is the Administration's right to appeal a

judgment that called one of the deployments illegal.

So right now no laws have been broken as far as we know. And General Guillot, as the Commander of Northern Command, which consists of the entire continent -- obviously the continent of the United States and Alaska included.

We have been hearing about threats, we have been hearing about what constitutes an emergency and the President's authority to respond to such an emergency. As a military commander, what do you feel is a greater threat to our national security, 500 volunteers, trained National Guardsmen walking the streets of our cities, or 20 million illegal immigrants who have entered this country over the past 5 years?

General Guillot: Senator, the U.S. Northern Command is situated to -- or excuse me, tasked to seal and repel at the border, as you mentioned with the illegal activity. And I think the results are very strong and speak for themselves there.

However the other group that you mentioned, the 700 Guardsmen that are in Title 10 status, are also doing an excellent job of protecting Federal functions and facilities when they are allowed to by the court.

Right now, that is just in California, and I think they are doing an exceptional job there in protecting the

Roybal Federal Building as well.

Senator Sheehy: And is the influence of transnational criminal organizations that fill our country with fentanyl poison, various other drugs, illicit activity, human trafficking, is that a national security threat?

General Guillot: Yes, sir it is. And as I said, I think we are responding to that very well in cooperation with the Department of Homeland Security.

Senator Sheehy: So therefore, under a national security threat, which is unquestionably being fueled by foreign powers that do not want American values to succeed, co-opting transnational criminal organizations, they are actively attacking this country using illegal immigration, using transnational crime, using drugs to do so. Would that be a correct statement?

General Guillot: It is. Yes, sir.

Senator Sheehy: So 70,000 Americans-ish a year are dying from fentanyl overdoses, are being trafficked, are being murdered and thrown under bridges by illegal immigrants and the criminal organizations related to those. That sounds like a pretty big emergency.

You and I went to war for 20 plus years when 5,000 Americans were killed on and around 9/11. The numbers much higher now as they have unfortunately died from mesothelium and other sicknesses related to what happened on 9/11 --

First Responders and more.

I think we are almost 7,000 now, as those cancers have taken many lives. So, we have said of the legal questions, what we are talking about is politics. What we are talking about is we are being told that 300 to 500 to 700, call the number whatever it is, honorable young Americans who have asked to join the military, raised the right hand, who are volunteering for these deployments, we are being told that them walking the streets protecting Americans from being mugged, from being carjacked, like our Congressmen are two blocks away from here -- like one of my staffers was hit over the -- clubbed over the head a few months ago, in the ICU, woke up stripped of all valuables.

Apparently, these Guardsmen on our street are a greater threat to this nation than the tens of millions of illegal immigrants that were welcomed to this country in the Biden Administration.

The Biden Administration selectively opened our border. It was a choice. They made the choice to do that. It wasn't an accident. It was a decision that they made. And the Venezuelan boat drivers who want to bring poison to this country, they made a choice to get in that boat and drive it here.

And we are making the choice, the American people made the choice last year that they are sick of it. They are

tired of it, and they want an end -- to put to this disgusting policy that has led to the deaths of hundreds of thousands of Americans. So, I think it is an absolute disgrace that we are impugning the integrity of our people in uniform, the integrity of this Administration, and the will of the American people to live safely on their own streets.

The Constitution says life, liberty, and pursuit of happiness. The American people have a right to expect their Government will protect them from being murdered in the street. So, I am sick and tired of the Constitutional lawyers parachuting out of the rafters every day when we are doing exactly what the American people asked us to do.

If a legal order is given by the Supreme Court that this is wrong, I can promise you the Administration will follow it. I hope they do, and I would expect them to. But thus far, a year into this Administration, that hasn't happened, and the American people asked to be protected from these threats, and you are doing that. Thank you.

The Chairman: Thank you, Senator Sheehy. I recognize Senator Warren. And I have a markup across the street in the Rules committee and Senator Budd will preside during my absence.

Senator Warren: Thank you. Thank you, Mr. Chairman. I want to start by extending my condolences to the family

of Specialist Sarah Beckstrom, who paid the ultimate sacrifice while deployed in D.C. And my thoughts are with Staff Sergeant Andrew Wolfe as he continues to fight for his life.

And I want to make clear, nobody here is impugning the people who are on the streets. No one here is impugning the integrity of our National Guard. We are just asking about how they got put there by people in leadership positions. It has been six months since President Trump and Secretary Hegseth deployed the National Guard onto American streets.

The investigation that I just released with several Senators on this committee found that DOD has footed the bill for more than $2 billion in support of the Department of Homeland Security and Immigration Enforcement.

That is money that was meant for military training facilities, crumbling military barracks, schools for military families, and instead it was spent on deploying our National Guard to pick up trash in Washington, D.C. and deal with civilian protesters in other cities.

So I think we are right to ask the question about how this happened. Mr. Young, you are one of the senior attorneys at DOD. You were the acting DOD General Counsel when the decision was first made to deploy the National Guard to Los Angeles.

Now, if an attorney raises concerns about the legality of military operations, do you think the appropriate response is to tell them to shut up and get out of the way?

Mr. Young: I am sorry, Senator, could you repeat that question?

Senator Warren: Yes. If a JAG attorney raises concerns about the legality of a military operation, do you think the appropriate response is to tell them to shut up and get out of the way?

Mr. Young: Senator, the law provides that military judge advocates are able to provide independent advice to military commanders, to the Chief of Staff of the Army, and the Secretary of the Army.

Senator Warren: Right. And I am asking you about the appropriate response. Do you think the appropriate response is to tell them to shut up and get out of the way?

Mr. Young: Senator, I am not aware of a response of that nature.

Senator Warren: I am asking you if you think that would be an appropriate response. It ought to be an easy yes or no question.

Mr. Young: But by whom, Senator?

Senator Warren: By you.

Mr. Young: Senator, not that I am aware of.

Senator Warren: Mr. Young, there were disturbing

reports that when the top uniformed attorney in the Army raised concerns about the legality of using National Guard soldiers and other DOD resources for immigration enforcement, you told him to stop meddling in State affairs, and then shortly after that Secretary Hegseth fired the JAG officer with no explanation. Mr. Young, the report does not have a direct quote, but is it true that you said something along those lines?

Mr. Young: Senator, the context of that is that the officer was wanting to comment on whether the State, in a State capacity, could provide personnel who were in a State status, not in a Federal military status, not part of the Army, to help assist. And so, we have many missions, Senator, that are occurring on the border right now. We have 3,000 approximately National Guard personnel --

Senator Warren: So your answer is to confirm that report and that is what you said. Is that right?

Mr. Young: That is not what I said.

Senator Warren: So you are saying you didn't say that?

Mr. Young: I did not say that.

Senator Warren: Well, I am glad you said you didn't say it, because this is not the only report of JAG being sidelined by this Administration. And I am glad you think it might be inappropriate for JAG to be sidelined. More

recently, the senior JAG at SOUTHCOM was reportedly overruled when he objected that the boat strikes near Venezuela are extrajudicial killings.

Look, these deployments are not just legally questionable. They come at an extreme cost. And they come at the cost of mounting billions of dollars and at reports that it hurts troops morale. In fact, the first Trump Administration discontinued military support to DHS at the border and detention facilities, citing both the cost and the fact that our troops were demoralized by being put in that position.

So, I think it is exactly right that we are raising these questions and whether or not JAG is receiving the appropriate opportunity to weigh in on illegal orders. If you say you didn't say it, then I trust what that means is you don't intend to say it and you do not intend to sideline JAG when they raise questions about legality. Do I have that right, Mr. Young?

Mr. Young: Senator, it has been my experience having been a judge advocate in both the Air Force and in the Army with almost 30 years of judge advocate experience, the judge advocates are able to quickly and clearly communicate their concerns to leadership, and that leadership is very attentive to their concerns when they are raised, and they have the ability to provide that advice independently.

Thank you.

Senator Warren: Well, I don't have concerns about the judge advocates. I have concerns about the leadership and whether or not they are being sidelined. And I take it what you are saying is they should not be sidelined. It is important for our troops that they not be.

Senator Budd: The Senator's time has expired.

Senator Warren: Thank you, Mr. Chairman.

Senator Budd: Senator Sullivan, you are recognized.

Senator Sullivan: Thank you, Mr. Chairman. And I want to thank our witnesses here. I also want to, like everybody else, keep the families and victims of this outrageous shooting of our National Guardsmen from West Virginia here in D.C. -- just an outrage. I try to go running on the mall every morning, exercise.

Whenever I see our National Guardsmen out there, I feel good about them. I always stop them. I thank them. I hope that is what everybody does. By the way, that incident should help spur, I hope, on both sides of the aisle -- I have legislation called the Protect Our Heroes Act. I introduce it every year.

A lot of Republican co-sponsors, no Democrat co-sponsors yet. It is a simple bill. It says, if you try to purposely ambush and lure a First Responder, law enforcement, National Guard, police, firefighter, into a

situation where you then attack them, kill them, that we will Federalize that crime. We will make the penalties very high.

And if you kill that person, you will get the death penalty. It is called, Protect Our Heroes. And I would love it if some of my Democrat colleagues could come on board, because that is exactly what just happened to these young, brave National Guardsmen.

And the people who did it should get the death penalty when they kill someone. So let me go to you, Mr. Young. The legal framework and precedent in this, I think it is important, and the history. You know, there is a lot of revisionist history going on.

My first deployment as a U.S. Marine, I did a MEU-ARC deployment to the INDOPACOM region. I was based at Camp Pendleton when I came back. My battalion was a six month deployment, and then half the battalion was ordered by the President, it was President Clinton -- I have been around a while -- to go to the Southern border, and the other part of the battalion was sent to the Umatilla National Forest to go fight forest fires because it was a really big forest fire season, and the forest fire capability of the United States was tapped out.

So, they called up the Marines. So we have been doing this for a long time, including a deployment to the border



to secure the border in the mid 90s. That is when my Marine Corps battalion, active duty battalion, did it. There was no demoralized feelings there.

I don't know where the hell Senator Warren gets that. We were motivated Marines. The President of the United States told us to go different places, and we went. That is what you do in the military.

So can you give me a little sense of the legal framework and the precedent of these kind of National Guard deployments, Mr. Young? It is not the first time we have done this, right?

Mr. Young: No Senator, it is not. And the border mission, as you stated, has been long enduring and --

Senator Sullivan: Decades, right?

Mr. Young: That is right.

Senator Sullivan: Democrats, Republicans have ordered our active --

Mr. Young: Democrats and Republicans, yes, Senator.

Senator Sullivan: -- duty to the border to secure the border?

Mr. Young: Yes, sir.

Senator Sullivan: Bill Clinton did it when I was in active duty.

Mr. Young: Yes, and they have been doing it in various duty statuses, whether it be non-Federalized in

Title 32, where Governors would send troops to the border in a collaborative sense, also in Title 10, under differing Administration, sir.

Senator Sullivan: There is a legal basis and legal precedent that extends decades with Republican and Democrat Administrations, correct?

Mr. Young: It is, yes, sir.

Senator Sullivan: Okay. Let me turn to you, General Guillot. I think you are doing a great job there. You have seen this chart many times.

My State is a busy place, right? We get incursions from the Russians and Chinese all the time. Another one, thanks for giving me a heads up right before Thanksgiving, including joint Russian, Chinese strategic bomber task forces, naval task forces in our EEZ.

But I wanted to ask you, particularly, General, the role of the National Guard in these operations. Because these are frontline operations going directly against our adversaries, wing to wing, when our fighters go intercept Russian bear bombers and MiGs that are armed. Dangerous work. We do it all the time up in Alaska. How critical is the National Guard in those missions?

General Guillot: Senator, the National Guard is essential in those missions.

Senator Sullivan: Indispensable, aren't they?

General Guillot: Absolutely. I say frequently that the success of NORAD and NORTHCOM starts and stops with our relationship with the National Guard. To answer your question specifically, in Alaska we have the 49th Missile Defense Battalion Brigade, Battalion at Fort Greeley.

Senator Sullivan: The missile defense unit that is doing -- that is protecting the entire United States of America right now as we speak --

General Guillot: From ICBM attack. Yes, sir.

Senator Sullivan: Correct. Is a National Guardian unit.

General Guillot: That is right. Entirely National Guard. They are at Fort Greeley. Also, as you mentioned, the air defense is run by 14 different National Guard wings for fighters, six National Guard wings for refuelers, including one in Alaska, and as well as an air defense squadron in Alaska that works side by side with the active duty forces to conduct the intercepts that you mentioned.

Senator Sullivan: Let me ask one final quick question for you, General. You have to make the balance between kind of State related National Guard missions and national issues. I would say intercepting Russian bear bombers and tanking the fighters that go do that is certainly a national mission.

It matters to Alaska, it matters to the country. How

do you balance that? I want to compliment again the National Guard, the Coast Guard on this big typhoon that hit Western Alaska. It didn't make a lot of press out here. Fifty-one rescue missions saved 51 lives.

Unfortunately, we lost a couple of Alaskans in those brutal storms, but that was kind of a State specific example. How do you make the balance on the National Guard's missions when you have national and State related missions?

General Guillot: Sir, the way we do it is we have constant and steady relationships with the TAGs to let them know that Federal forces are available if needed to complement the initial response in the State.

In the case that you just mentioned, I think that the response by the Alaska National Guard was phenomenal, and they did not require any Federal assistance. But through NORTHCOM, we contact your TAG and TAGs all across the country to make sure they know that we are ready with Title 10 assistance if needed.

Senator Sullivan: Great. Thank you. And thank you, Mr. Chairman.

Senator Budd: Senator Peters, you are recognized.

Senator Peters: Thank you. Thank you, gentlemen. Thank you for being here and your testimony. Just want to put out, first off, I think we all agree here and everybody

in this room is that keeping the American public safe and fighting crime and making sure folks feel secure in their communities is absolutely fundamental to Government.

I would say it is probably the primary role of Government, is to keep people safe, first and foremost. So, that we all agree. But then the second question is, how do we do that in the most effective way? How do we actually reduce crime? How do we make sure people are safe, and how do we spend scarce taxpayer money as wisely as possible? That is how I approach problems.

So I had my Homeland Security staff, who I am serve as ranking member, kind of look at the cost. And based on information we have gotten from the Administration, National Guard deployments to American cities by this Administration have cost taxpayers a little over $410 million so far, with the stated mission of restoring law and order and reducing crime.

The Federal Government, however, as I think you know, already has some really effective ways of bolstering public safety now, such as the Department of Justice Cops Hiring Program, which puts highly trained, professional, full time police officers in the community, helping those communities in particular that need additional law enforcement help. It funds local agencies to hire career law enforcement officers.



Last year, in fact, the Cops Program funded the hiring and training of 1,193 fully trained professional police officers nationwide at a cost of $157 million. So if we just do a bit of back of the napkin math, the $410 million spent over the past four months of guard deployments, if annualized, we would be able to hire 9,366 local trained police officers who know their communities, have local trust, and are often part of the community. They live there as well.

So, Mr. Ditlevson, given these numbers, would you agree that spending these funds on career law enforcement officers would be much more effective use of taxpayer money than a temporary employment of National Guard folks?

Mr. Ditlevson: Senator, thank you for the question. And you make a great point as far as the difference in cost, but I would counter that by saying in exigent circumstances where we need to move fast, where things are not standard or normal, the National Guard is the response force that needs to be utilized in those situations. We look at Los Angeles and the rioting that was occurring out there.

President Trump had to take action in that situation and mobilize the National Guard to help our partners in Federal law enforcement respond to the vicious attacks that

were happening on those officials. And so, in those scenarios, it makes a lot more sense for National Guardsmen to deploy. Additionally, in areas where we are able to work with State governments, such as the State of Tennessee, we have been able to help dramatically reduce the overall crime rates in that city.

And we are constantly reassessing the situation on the ground. If we are able to get crime rates down where local law enforcement can handle these issues once again without additional Federal support, there is nothing more than we would like to do than to end these deployments.

But with normalization of criminal activity, the President has jumped at this opportunity and led to make sure that we are a nation of law and order.

Senator Peters: Well, let me reiterate. If -- you have talked about putting those troops in the short run. That Governors and Mayors who actually are on the ground -- those are their cities, those are their folks -- didn't believe that that support was necessary. That it in effect it only increased tensions in those communities.

So, that is not a long term solution, and we should probably be immediately deploying things like cops grants to help folks. In fact, just -- which I thought was interesting in how this is so inefficient.

In response to written questions from my staff, the



D.C. National Guard confirmed that 38 of their service members, who are Metropolitan Police Department officers, 10 of them were called up for -- or I should say, 38 of them are service members, 10 of them are supporting D.C. State beautiful task force and are not serving their day jobs as police officers.

So they have been basically taken off the streets as D.C. trained police officers, and they are doing things like painting fences, picking up trash with the D.C. National Guard. Why would you take trained police officers off the street in Washington D.C., put them -- call them up for the Guard and say, now you can help beautify the city instead of being on the street fighting crime? Does that make any sense?

Mr. Ditlevson: It is a good question, Senator, but I would posit two things. First off, there are different missions for the D.C. deployment. There are presence patrols that are taking place constantly to make sure that people feel safe and secure.

Senator Peters: These folks weren't doing that. From what we understand, they were doing the beautification mission.

Mr. Ditlevson: Senator, I can't speak to the specifics on that. But in addition to that, oftentimes local law enforcement are also National Guardsmen, and that

only helps our National Guard.

Senator Peters: I agree. But they should be doing law enforcement work, not picking up trash. I mean, these are the kinds of things that just -- inefficient. We have got to be efficient. Taxpayer money is sacred. We have to protect our communities, but let's do it in a smart way. Let's not do it in a way that may make TV news. Let's do it in a way that actually helps people on the ground and keeps them safe.

Senator Budd: Thank you, Senator. Senator Schmitt, you are recognized.

Senator Schmitt: Thank you, Mr. Chair. I will just point out that I do think it is important to understand why we are here, like the context. The fact of the matter is that the excusing of violence and this unlawful behavior by rioters and folks who seek to do harm against our law enforcement across this country has metastasized.

And you don't have to go back into ancient history. You know, you look at the Summer of Love of 2020 when Democrat Mayors and Democrat Governors sat idly by while bricks were dropped off when the sun went down, and buildings burned. Law enforcement officers were shot. They were spit at. And you know what the Democrat response was? We hear you.

Yes, we should defund the police. Now, my friends on

the other side, they want to sort of memory hole that, but you could run a tail of the tape about elected Democrats who spouted this nonsense. So when we talk about having local solutions, the fact of the matter is, I was Attorney General at the time, a lot of law enforcement folks, they just left. Police officers took early retirement.

So you are not going to just magically create this group of local law enforcement folks to take on violent crime. I think the pendulum is starting to swing back. But I want to talk about sort of two different scenarios. You have got one, you have got sort of the D.C. scenario, then you have the L.A., sort of Portland scenario where Antifa in particular -- which has now thankfully been designated not only as a domestic terrorist organization but a foreign terrorist organization because of their tactics.

The fact is this is a network, decentralized, that has safe houses and financing across the world, including the United States, who wants to do harm to ICE agents. And so, what I don't hear a lot from my Democrat colleagues, they might condemn the violence, but what is telling is you don't hear any of them say, stand back and let ICE do their jobs.

Because the fact is they just don't actually believe in immigration enforcement. They think that everybody has

a right to be here and no one should ever have to go home. Borders don't really matter. And so, the villainizing of our border agents, especially ICE, is really destructive and leading this. Which then brings us to today, which why the National Guard has been deployed in places like Los Angeles and in Oregon.

And it is not unprecedented. You know, the most obvious example people will also remember is other Democrats, including the Democrat Governor of Arkansas who didn't want black kids to go to school with white kids. President Eisenhower then not only deployed the National Guard, but sent the 101st Airborne in. So let's not pretend that this is some Constitutional crisis.

The President of the United States has very clear authority to send them to protect Federal buildings and to protect the law enforcement, which is all that is happening. So I want to ask General, maybe for you or anyone actually, what are some of the tactics that are being used right now by these thugs on the streets, these criminals who are seeking to entice Federal agents out with firecrackers or whatever it is so that they can actually take shots at them so they can assault them?

Because I think it is important for the American people to understand what is actually happening. The violence that they are being subjected to. I mean, we just

saw yesterday a National Guardsman being harassed by some clown on the street for doing his job protecting people.

So, what are some of the tactics that are being used that are really dangerous for law enforcement right now?

General Guillot: Senator, you just described many of the tactics that were being used when Title 10 forces were directed into Los Angeles to protect Federal activities, to include ICE -- conduct of their duties. Also in other cities. However, with court orders, our forces have not been on mission there to work in conjunction with the lead agencies like they have in California.

Senator Schmitt: I think you have seen -- there is no coincidence here, you have seen a 1,000 percent increase in assaults on ICE officers. So to my Democrat colleagues who want to have this hearing, we got to be honest about what is actually happening out there.

This rhetoric is making it open season on law enforcement, and it is incredibly dangerous. So when we villainize ICE agents who have family members, who are husbands, who are mothers, who are simply enforcing the laws that this Congress -- or not this Congress -- but Congress has passed over the years. This is insane. And the condoning of people blocking off vehicles from, you know, enforcing the law, these ICE agents, this is a powder keg. It is a powder keg.

So I am very thankful for the men and women who are serving this country, who are protecting those agents, who are protecting Federal assets. And the President is well within his authority to do it. Thank God we are challenging some of the assumptions that have existed for so long that people, particularly minorities, have to live in these crime ridden areas forever. It doesn't need to be that way.

They don't deserve to have to sweep up glass every Sunday morning or have a loved one that is shot. We don't have to accept that anymore. So, thank you for being here.

Senator Budd: Thank you, Senator. Senator Duckworth, you are recognized.

Senator Duckworth: Thank you. So there was no rioting in Chicago before ICE was sent in. And for the past two months, Illinois have seen DHS Federal agents abusing our communities.

President Trump wanted to put our troops in the middle of it. The courts have stopped him so far, and the courts are finding again and again that there is no legal reason for what he is doing. But in his ideal world, Trump wants our professional military to defend unprofessional and abusive Federal law enforcement agents. So let me sit tell you what is happening in Chicago.

It is not ICE agents that are being attacked. ICE

agents are the ones who tear gas over two dozen Chicago police officers. ICE agents are the ones who tear gas toddlers. They are the ones pointing loaded weapons at unarmed bystanders, hauling preschool teachers from daycare in front of their kids, and repelling from DHS helicopters onto apartment buildings in the dead of night to rip families from their beds and detain them for hours.

And then when they go to court, had to admit that they have no basis to file any charges against those people they ripped out of that building in the middle of the night. That is the terror that is happening in Chicago. It is not ICE agents as the victims. It is the civilians of Chicago who are the victims of the ICE agents. Trump claimed that these Federal agents need protection.

The same agents that a Federal judge found repeatedly used excessive force against civilians and lied about it in court because we showed up with videos footage of them abusing civilians. Trump was ready to throw troops onto the streets of Chicago to protect these violent agents under a vague and unprecedented mission with little realistic guidance for what their experience would actually be like on the ground and the complex decisions that they will face.

So let's play this out. What are our troops, tasked with the mission to protect Federal agents, supposed to do

if they witness an agent throw a child to the ground, like it has happened in Chicago? Do our troops intervene and pull the agent off that child, or do they stand by and do nothing?

Trump is forcing our military men and women to make a horrible choice, uphold their loyalty to the Constitution and protect peaceful protesters, or execute questionable orders from the President.

Mr. Young, will the Department commit to provide legal protection to any Title 10 service member who intervenes to stop a Federal agent from wrongfully harming a civilian? Easy question, yes or no?

Mr. Young: Senator, are you asking if the Department will defend them? Is that what you are asking?

Senator Duckworth: Yes, would the Department of Defense --

Mr. Young: Generally in those circumstances, Senator, it is the Department of Justice that would provide representation, not necessarily the Department of Defense.

Senator Duckworth: So you are saying the Department of Defense would not commit to providing legal protection to any Title 10 service members who intervenes to stop a Federal agent from wrongfully harming a civilian.

Mr. Young: That is not what I said, Senator. What I said is the Department of Justice is the one who provides

the representation.

Senator Duckworth: What will the Department of Defense do?

Mr. Young: The Department of Defense makes recommendations based on the facts and circumstances of each event as it occurs. That is part of a package --

Senator Duckworth: So you are not committing?

Mr. Young: I am sorry?

Senator Duckworth: You are not committing to support our troops who are under Title 10 to intervene to stop a Federal agent from wrongfully harming a civilian.

Mr. Young: Senator, the presumption is that our troops will act lawfully. And so, therefore we would normally work with a troop -- would make a recommendation to the Department of Justice.

Senator Duckworth: Okay, listen. This is a straightforward answer, and the fact that it isn't to you is deeply concerning to me. Federal law enforcement agents actually have a legal duty to intervene to prevent a fellow officer from using excessive force.

Uniformed service members, on the other hand, have no comparable obligations nor accompanying legal protection if they decide to intervene against a Federal agent to protect a civilian. They do so at their own risk. Our troops could be dragged into court and would be on their own to

plead their case to a jury, all because their Commander-in-Chief put them in an unprecedented situation that they don't regularly train for.

And if that service member decides not to intervene, what will Americans think when they see someone in uniform who they were taught served and protected them standing by as a child is harmed by one of Trump's abusive DHS agents, as has happened in Chicago? I fear the day when Americans stop thanking our troops for their service because they are afraid of our troops.

We know that this Administration is trying to borrow the respected image of the military. Across the country, we have seen DHS agents dressing in camouflage and wielding military style weapons. They are making it hard for Americans to tell the difference between abusive Federal agents and professional troops.

General Guillot, what guidance or insurances have you received from DHS or DOD about distinguishing DHS personnel from the military when they are operating in close proximity to one another? And what are you prepared to do to help -- make that distinction?

General Guillot: Senator, I have not received any guidance or direction to do anything. Within my authority though, I can order distinguishing markings on a uniform, or for instance replace the name with the last letter -- or



the first letter, the last name, and a numerical designator to ensure that we are protecting the military members, and we are able to distinguish them from others.

Senator Duckworth: If we fail to draw a bright line between our highly trained troops and lawless Federal agents, who by the way, shot a priest in the head with purple ball after he prayed for them, and they were up on a three story building. He raised his hand, prayed for them, turned around, and then they shot him in the head.

There was no riot there. He was praying for them. If we fail to draw a bright line between our highly trained troops and lawless Federal agents, I fear our public's trust in our military may never recover.

Senator Budd: Thank you, Senator.

Senator Duckworth: I yield back.

Senator Budd: I recognize myself for five minutes. And thank you all for being here today and thank you for your willingness to serve our country. I just want to highlight how important it is for Americans to know that they -- that we are looking after them and that we have got their back.

You know, deploying National Guard, it would not be necessary, and I think you pointed this out, but it would not be necessary if State and local officials were helping get criminal, illegal aliens and violent, repeat offenders

off the streets. But the problem had metastasized, and President Trump needed to step in.

So, thank you all for what you are doing. You know, my colleagues across the aisle, they like to talk about the importance of the rule of law, but unfortunately not when it comes to enforcing immigration or criminal law. So, I think we should be thankful each and every day for our men and women in uniform who put themselves in harm's way to keep Americans safe.

You know, some elected Democrats have even made the dangerous claim that it was the National Guard's very presence that led to the murder of Specialist Sarah Beckstrom and the wounding of Staff Sergeant Andrew Wolfe. I think that is really irresponsible. So let's be clear. A deranged terrorist targeted members of our military who were simply carrying out their mission to keep Americans safe.

And they weren't attacked because of President Trump, or Operation Make D.C. Safe and Beautiful, or anything that service members themselves had done. You know, we mourn Sarah -- Specialist Beckstrom's loss, and we pray for the healing of Staff Sergeant Wolfe. And I want to thank the West Virginia National Guard for their service to our country. And it is really special to me.

My wife's family is from West Virginia. My wife is

from West Virginia and from Berkeley County, the home of Martinsburg. And before Martinsburg many years ago, they were from Webster County, the two counties in West Virginia that were affected. So, this is personal.

And in small communities, most families know each other, or are one degree away, so our prayers are with them, and we are grateful for them. Let me read off a few statistics from the D.C. deployment here. The National Guard has rendered medical assistance 136 times here in D.C. They found 12 lost children. They have stopped 86 physical alterations. They have administered Narcan 27 times.

Twenty-seven times a service member has given life-saving treatment to prevent an opioid overdose. I don't know how anyone can actually be against this assistance to local law enforcement. You know, maybe it is the same way the left has now become the pro-cartel, pro-drug vote party. I don't get it. I mean, these are my friends over there. I don't understand it.

But my only question for you, Mr. Ditlevson, is I know that crime has gone down here in D.C. objectively, as well as in Memphis. Can you talk about the differences compared to deployments in in other cities and what is driving the factor in -- what is the driving factor in bringing the crime down?

What are you all doing to bring crime down? And are there approaches from local law enforcement that you have noticed that have really helped bring about some favorable outcomes?

Mr. Ditlevson: Senator, thank you for the question. The distinguishing difference in those two situations versus the other deployments is the willingness of governors to step up and ask for help from the Federal Government. That Title 32 status allows National Guardsmen to do much more than they would be in a Title 10 status in a strictly defensive posture, protecting Federal law enforcement, Federal property.

And it is important to note because in the cases of Oregon and Illinois, Secretary Hegseth offered Governor Kotek and Governor Pritzker, respectively, the support of the Federal Government to help fund a Title 32 deployment in Portland and Chicago, and that offer was rejected by those governors.

And President Trump, as Commander-in-Chief fulfilling his campaign promises of restoring law and order in this country, led on that issue, Federalized troops, and sent them to those cities to protect American citizens because all American citizens, regardless of whether they live in a red area or blue area, they deserve the right to be able to walk in their cities safely and securely.

Senator Budd: Well, thank you for that. And again, thank you for your service. You know, it seemed it is the issue of who is offering the support. And the American people overwhelmingly elected President Trump.

And it is -- we have heard the statement, if he cured cancer, they wouldn't want to take the medicine. Some people wouldn't. But he is bringing down crime. He is offering help to States and communities because he just wants to help the American people, and I am grateful for that. And I am grateful for again for your service. So, thank you. Senator Kelly, you are recognized.

Senator Kelly: Thank you, Mr. Chairman. I want to also express my condolences to Sarah Beckstrom's family and to the family, and also to Andrew Wolfe. I understand, you know, personally how, you know, hard it is to recover from those kind of injuries.

And to my good friend Senator Budd across the aisle, I don't think -- there is nobody on this committee that is pro-cartel and pro drug boat, or in this Congress. General Guillot, Americans deserve to feel safe in their communities.

As the son of two cops, I understand the sacrifice and the hard work it takes to do that job. You know, that is why I know we have got to do more to support law enforcement, especially local law enforcement, those

professionals who do that difficult job every single day. I also recognize that not every challenge faced in our cities should default to a military response.

On September 30th, President Trump addressed military leadership, both senior officers, Admirals and Generals, and senior enlisted at Quantico about the deployments of National Guard to U.S. cities.

And at that address, he said, "I told Pete we should use some of these dangerous cities as training grounds for our military National Guard." So General Guillot, is there an established DOD policy that authorizes using civilian communities as training grounds, and American citizens as training tools?

General Guillot: No, Senator, there is not.

Senator Kelly: Is there any precedent in DOD history for conducting combat oriented training in American communities?

General Guillot: No, Senator.

Senator Kelly: And have you -- been consulted at all about using any specific cities for training?

General Guillot: Senator, I have not been consulted nor directed to use any American citizens -- or excuse me, American cities for training.

Senator Kelly: And has any Federal official asked you to plan training operations in U.S. cities?



General Guillot: No, sir, not training.

Senator Kelly: And has NORTHCOM ever designated an American city as a training ground?

General Guillot: No, sir.

Senator Kelly: Thank you for that. If U.S. cities are training grounds, so based on what the President had said and indicated he wanted the Secretary of Defense to consider doing, then how are the service members in this scenario expected to perceive the civilian population in that environment?

General Guillot: Senator, I can tell you that for the areas that are under Title 10 control, we provide very clear training and reinforce that with daily meetings on what our purpose is there, and that is to protect Federal buildings. It is not for any other function.

Senator Kelly: But if you carried out the President's objective of using a city for training, does this imply that civilians could be used as potential adversaries?

General Guillot: Senator, I am very confident that that is not a factor in -- within my chain of command because of the very clear guidance and direction that we give on what the mission is and what our proper response to any activities there, which includes de-escalation as the first step in the standing rules for the use of force.

Senator Kelly: So what do you think the President

meant by that statement?

General Guillot: Sir, I haven't thought into what he might have meant. I listened to it at the time, and since then have only gone on what has been directly tasked to us, and then what my authorities and responsibilities are.

Senator Kelly: Would it ever be okay to regard U.S. citizens as adversaries or enemies?

General Guillot: Well sir, that is a hypothetical. Our initial response says no. Now, of course, there could be a legal activity that is underway, and we may have the authority, you know, vested in us to respond in accordance with the authorities that we have. But again, these are like double, triple hypothetical.

Senator Kelly: I don't mean it as a hypothetical. And even if there was illegal activity, that is -- could be viewed that that person is a criminal. I am asking specifically, is it okay to regard U.S. citizens as enemies?

General Guillot: No, sir.

Senator Kelly: Well, thank you.

General Guillot: We defend the United States and U.S. citizens. We do not view them as enemies.

Senator Kelly: I agree with you. My concern is, you know, that labeling a city as a training ground inherently puts civilians in a position of being an adversary or an

enemy. So, I appreciate your response. Thank you, General.

Senator Budd: Thank you, Senator. Senator Slotkin, you are recognized.

Senator Slotkin: Thank you. And I join the rest of my colleagues in recognizing the two West Virginia Guardsmen who were shot, and one fatal -- fatal shooting. And thank them and their families for what they have done. I guess, you know, my questions are for you, Mr. Young.

You are the number two lawyer at the Department of Defense. You have come before this committee before. You know, a couple of weeks ago, a couple of us here on this committee and others put out a video talking about unlawful orders because we were getting so many people in uniform coming to us and saying, I just don't know if I am going to be asked to do something that is illegal.

I don't know how to handle that. Do you believe that any President can issue illegal orders? Is it possible for a President of the United States to issue illegal orders that the U.S. military should reject?

Mr. Young: Senator, that is theoretically possible.

Senator Slotkin: Okay. And you know, I think -- in the past, then Major Hegseth in 2016 said that the military has a responsibility to reject illegal orders. Attorney General Bondi last year wrote that military officers are

required not to carry out unlawful orders. Can you give me an example of what would be an unlawful order of any kind?

Mr. Young: Senator, I would say that the oath that this Congress has prescribed and --

Senator Slotkin: Just an example -- just an example. Like we have prosecuted people, right, for carrying out illegal orders. So what -- tell me example -- is there -- just give me any example.

Mr. Young: In that example, Senator, the one that would come to mind would be the Mylai Massacre from where a young platoon leader issued -- that was not the President of the United States. As long as an order is not patently and facially illegal, it is presumed to be lawful, and the service members are obligated to follow it without having to consult with --

Senator Slotkin: And I think the conversation that we were starting was not because we don't trust the military. If anything, I mean, I have worked alongside the military my entire life as a CIA officer. It is that the decision makers and the words coming out of the mouth of the Commander-in-Chief using our cities as "training grounds," those are the things.

That going after "the enemy within" does not give us confidence that this President is going to always use the military in an apolitical way that is exclusively meant on



protecting the United States. Now, you said earlier that, and rightfully so, that the National Guard -- of course, if they are doing missions like helping to clean up from an ice storm in Michigan -- I don't think anyone questions the typical way that we use the National Guard.

But for these folks who are deployed against the wishes of the sitting governor and the people of that State, you said that the troops are there to protect Federal personnel functions and property, right?

So people, or functions, or buildings. If you were asked to approve the placement of uniform military on and around polling locations for a Federal election in 2026, what would your legal judgment be of whether that -- those uniforms could do that?

Mr. Young: Senator, again, that is a hypothetical situation. There are Federal laws that prohibit the stationing of troops at polling places. However, right, the question would be whether or not the degree to which that would apply in a non-Federalized status under Title 32, and it would depend on the status of the personnel and the mission parameters that are being --

Senator Slotkin: So it is possible that if you were asked -- if you said, look, we have got a problem in Chicago, right. We have talked about Federal troops in Chicago. We need to put uniform military surrounding

polling locations in downtown Chicago. Are there circumstances in which you would approve that?

Mr. Young: Senator, I would say this, is that during COVID when many poll workers were unavailable, many State and local --

Senator Slotkin: But you can understand -- I understand during COVID but my -- you can understand that when there is a trust deficit, right, when the President of the United States says we have to go after the enemy within, and that if he loses an election, it is because it was rigged, his words, that the idea that we put uniform military surrounding polling locations -- for you to not understand what that means to the American public, the playbook of authoritarianism that I have seen as a CIA officer play out over and over and over again in other countries, for you not to understand that that sends a shiver down the spine of every American and should, whether you are a Democrat or Republican -- that is why there is a trust deficit. It is because there are some circumstances in which you would use the military in the middle of our democracy like that. And I continue to believe it is not our uniform military that have a problem. It is the leaders who are directing them in these missions.

Senator Budd: Thank you, Senator. Senator Rosen, you are recognized.

Senator Rosen: Thank you. Well, I want to thank Chairman Wicker and Ranking Member Reed for holding this hearing. And like the rest of my colleagues, and all Americans, my heart breaks for the murder of Specialist Sarah Beckstrom and the shooting of Staff Sergeant Andrew Wolfe, who is thankfully recovering.

My deepest condolences go out to their families, to the members of the West Virginia National Guard. And there is no question that American cities like Washington, D.C. face real public safety challenges. We need to tackle those directly by supporting and investing in local law enforcement. We need to strengthen community policing strategies. We need to address the root causes that drive crime.

And sending the National Guard into communities, as my colleagues have suggested, is not a long term solution or any solution to crime in our cities. It is a show of force that removes our Guardsmen from the essential missions that they perform at home.

Like the Nevada Air National Guard's 151st Airlift Wing, which flies the very dangerous C-130 mission of fighting wildfires throughout the mountainous -- the mountains of Western United States. It also unfairly erodes the National Guard standing with the American people. It needlessly puts Guardsmen in harm's way without

the legal means to effectively police American streets. It places our men and women in uniform in deeply fraught situations in their own home communities.

Particularly in States like Nevada with large Latino and immigrant populations, communities, communities which members of the National Guard also hail from, sometimes even coming from mixed status families themselves. Deploying Guardsmen along ICE raises real concerns about trust and community safety.

We cannot ask our Guardsmen to shoulder missions that strain their relationship with the communities that they proudly, proudly serve. So my priority is ensuring that our Guardsmen and women can continue carrying out the mission sets that matter most to their States, including Nevada.

All of our States, where our communities depend heavily on their support. That is why I want to understand exactly what Guardsmen across from the United States are being pulled from, and whether the Department has taken steps to mitigate the strain these deployments impose back home.

So I am going to talk about alternate missions. So, General Guillot, can you outline what mission Guardsmen were pulled from in their home States? And have any Guard units been pulled from time sensitive missions, such as



wildfire response, medical evacuation support, cyber defense teams, and scheduled annual training?

General Guillot: Senator, the Guard units that were activated to Federal status in support of operations in California, Oregon, and Chicago were selected by the TAGs of those States when we presented the tasking to them. The units that were actually selected to fill those roles were selected --

Senator Rosen: So you are saying there was an option given to what States would be deployed, and those TAGs are the ones who made the decision? That is what you just said.

General Guillot: No, what I said is once the task came to that State -- we consulted with the TAGs to determine who in that State would fill the tasking.

Senator Rosen: So do could you provide any backfill support to the governors of these affected States or those home State missions that are going unmet?

General Guillot: No, ma'am.

Senator Rosen: No backfield support?

General Guillot: No. We don't have forces to provide backfill, ma'am. We were tasked to fill -- the States were tasked with the order. And then what I am explaining is that we worked with the TAGs to make sure they picked the best units for that mission from within their State.

Senator Rosen: Have the governors -- did the governors of these States raise concerns about losing their personnel during peak operational periods? And if so, can you share with us those concerns?

General Guillot: Ma'am, I have not received any concerns.

Senator Rosen: Okay. Mr. Ditlevson, can you walk us through how the Department weighed Federal deployment demands against State level mission requirements before deciding to move these personnel, please?

Mr. Ditlevson: Absolutely, Senator. In the Department, as the coordinating lead for these particular mobilizations, we consult with the National Guard Bureau, the Joint Staff, we speak with OGC, we speak with the Comptroller, and we make sure that we are balancing all of those different needs to provide the best advice to the Secretary in how these troops are mobilized.

Senator Rosen: Thank you. So I want to -- I have just a few seconds left. So General, I am going to go back to you. I want to know from your perspective, are Guardsmen being placed in situations where they are working in close proximity to ICE or otherwise involved in sensitive community interactions? And what guidance has been given to avoid eroding trust in diverse communities, as my esteemed colleague deferred to? And what is the

division of mission responsibilities between DOD and ICE? Thank you.

General Guillot: Senator, difference between the duties of ICE and the Title 10 forces is extreme. The Title 10 forces are only there to protect the Federal facilities. Sometimes it is an ICE building, but in other cases it is -- in Los Angeles it is not. It is a Federal building. The --

Senator Hirono: I have seen them just walking around parks in my neighborhood here in D.C. So there are no Federal buildings around where my apartment is.

General Guillot: Senator, I have to make the distinction there. Those -- I am only responsible for the forces that are under Title 10 authorities, which are in Los Angeles, Oregon, Chicago, and at Fort Bliss. I do not have any command and control over the forces in Memphis or here in D.C.

Senator Budd: Thank you. Thank you, Senator. I believe Ranking Member Reed has additional questions.

Senator Reed: Well, thank you very much, Mr. Chairman. I want to follow up, Mr. Ditlevson. You told me at the beginning of the hearing that the National Guard Quick Reaction Force already existed, but I understand that is not accurate. That the Secretary of Defense ordered the establishment of this national QRF on September 27th of

this year.

Not only that, he ordered that they be trained for specifically "civil disturbance and law enforcement missions, and to be available for immediate nationwide deployment, ready to deploy within 8 hours, 12 hours, and 24 hours' notice with weapons." Can you clarify your earlier answer?

Mr. Ditlevson: Mr. Ranking Member, thank you for the opportunity to clarify the statement from before. The Secretary ordered the establishment of a new unit. You are correct in that.

However, it is an old unit that will be repurposed to create that new unit. The National Guard Bureau refers to that as the HERF-DERF, Homeland Response Force and Domestic Response Force. And so, we are repurposing something that already exists to create that newly established unit.

Senator Reed: Now, the Secretary explicitly directed this QRF to be used for law enforcement. How would that be allowable under Possi Comitatus and the Title 10 authorities?

Mr. Ditlevson: Senator, if I may, that is probably in the legal lane. And I have some background on the way in which these forces have been used historically and mustered within the States, having been the General Counsel of the National Guard Bureau.

Many States, every State generally, will have an element of their force that they identify to be on a more ready recall notice. And so, some States that may be 50 people, some States it is 700 people.

Those forces are the ones that will be able to muster to their location quickly. And technically when they come in that status, sir, they would be non-Federalized, and therefore the Posse Comitatus Act would not apply to them.

Senator Reed: So, you are saying that these forces would not be mobilized on a Title 10 mission?

Mr. Ditlevson: Senator, what I am saying is that if needed, the primary usage of these will be domestic within the State itself. They could also be used in other States if another State requested under what is called an emergency management compact request.

It is called the EMAC, where one State requests another State to assist them in an emergency. They may be used in a non-Federalized status. They would also be trained and ready in the event that they needed to be mobilized for a Title 10 purpose. That is a potential, sir.

Senator Reed: Why are they being trained for law enforcement?

Mr. Ditlevson: Well, sir, historically after the events of Kent State back in the 70s, the Army and its --

wanted to make sure that all National Guard personnel receive training in domestic law enforcement and civil disturbance operations. And so, that has been a long standing requirement for military forces, Senator.

Senator Reed: General, do you train your -- the National Guard or urge them to train in law enforcement activities other than military police activities?

General Guillot: Senator, when they come to Title 10 status, we do not train them for law enforcement. We train them in the Federal protection mission and with the standing rules for the use of force.

Senator Reed: So the Secretary's order contradicts the current practice, which Title 10 personnel are not trained for law enforcement?

General Guillot: Sir, as I understand it, these National Guard members would be trained to do law enforcement activities if they are employed in their State active duty or in their Title 32 role, well knowing that if they are put in Title 10 role, that we would make it very clear that they are not allowed to execute any of those authorities -- those activities that they have been trained to while they are conducting Title 10 missions.

Senator Reed: Could you just clarify the -- under Title 32, what role would a State governor or -- have?

General Guillot: They would be under the State



governor's control -- as Title 32 says, sir.

Senator Reed: Title 32. So you would have to have the permission of the State governor to deploy these quick reaction forces in a law enforcement capacity under Title 32?

General Guillot: Yes, sir. And by that distinction, they would not -- I would not be deploying them. They would not be under my command and control.

Senator Reed: Well, it is interesting that we now have a small group in the National Guard that are being trained not only in civil servants but in law enforcement, that are being deployed -- that will be able to deploy within eight hours, some of them, with weapons.

You are telling me though, Mr. Young, that the Secretary of Defense could not, or the President, could not deploy them in a law enforcement capacity unless the governor agreed, is that correct?

Mr. Young: Sir, I would -- no, that is not necessarily correct, right. The authority under which the President can mobilize National Guard personnel to be able to perform Federal law enforcement functions and to enforce the law is technically 12406, which does not con require the consent of the governor.

One last piece, Senator, that may be helpful is that this training and this construct of having a readily

mobilized and well trained cadre of National Guard personnel who are well trained with -- interacting with the civilian populace is nothing new.

We did it in 2020 when we had 40,000 National Guard personnel in the streets all over the country. There was a similar quick reaction force. It was stood up. We used it essentially from July of 2020 through approximately January of 2021.

Senator Reed: And that was for law enforcement?

Mr. Young: Senator, they were trained for law -- it is my understanding, but that was five years ago, and I don't have the documents in front of me but that is my --

Senator Reed: And the cause of that deployment was what, Mr. Young? What prompted that deployment?

Mr. Young: Well, Senator, there were -- I don't know that many of them were deployed. The need for them to be deployable was that there were protests going on around in every major city and we had at that time 40,000 National Guard personnel deployed.

And when they were deploying, it was Federal officials were reticent to use active component troops, and they only wanted to use military -- National Guard personnel who had military police training. And there is only so many of them.

And so, as a result, because we had 40,000 of them on

the street, there was a need, Senator, for -- to make sure that they had received additional forces --

Senator Reed: If I may, if I may. I know you -- I know where -- I am going over time.

Senator Budd: Ranking Member, I would like to conclude that and recognize Senator Duckworth for one remaining question. And after that, we will conclude. Any additional questions, we will ask to be questions for the record, please.

Senator Reed: Thank you, Mr. Chairman.

Senator Duckworth: Yes, thank you. So let me clarify, Mr. Ditlevson, can you commit right now that the mission of any deployment of active duty or National Guard troops domestically will never expand beyond the protection of Federal buildings and Federal law enforcement agents?

Because in Illinois, you have Texas National Guardsmen deployed to Illinois against our governor's wishes. So if, following up on the previous conversation, that they would never be allowed to do law enforcement under Title 10 are we saying that there would never be a time in the future where Texas National Guardsmen will be sent to Illinois to do law enforcement?

I am confused as to how this is going to happen. So, will National Guard troops domestically ever be told to carry out a mission beyond protection of Federal buildings

and Federal law enforcement agents in any state? Such as has happened in Illinois, where Texas National Guardsmen were sent to Illinois, forced down our throats.

Mr. Ditlevson: Senator, based on what Mr. Young just went through, I can't commit to that. I think Mr. Young could go into the specifics of the legal reason why that is the case. But in the Title 10 status, as a Federal troop, the President has the authority to move them into another State, such as the --

Senator Duckworth: Well, they -- then you are saying that you can't commit that those troops under Title 10 orders, you are not committing -- right now, let me put -- for the record, everybody in this room hears you, you are not committing that National Guardsmen will not be moved under Title 10 status into a different State to perform law enforcement functions -- to do a mission beyond protection of Federal property --

Senator Budd: Senator Duckworth, we understand you have many more questions. Any additional questions would be questions for the record if the witnesses would --

Senator Duckworth: Can you let him answer?

Senator Budd: -- answer, please.

Mr. Ditlevson: Senator Duckworth, for that question, these troops are deployed in a 12406 status protecting Federal buildings and property. I respect the President's

decision space on this one. It is something that we would evaluate in the building if we received the order.

Senator Duckworth: So your answer is, no, you can't commit to it.

Mr. Ditlevson: Mr. Young, I believe I can defer to him on the specific legalities of this question.

Senator Duckworth: My question is to you. So no, you cannot make that commitment.

Mr. Ditlevson: I understand that Senator, but whatever would come into our office and policy, I commit that that would absolutely go through the Office of General Counsel to make sure that whatever we are doing is 100 percent legal under the law.

The Chairman: Thank you to our witnesses. So this concludes today's hearing, and I want to thank you all for your testimony. For the information of members, questions for the record will be due to the committee within two business days of the conclusion of the hearing. We are adjourned.

[Whereupon, at 11:51 a.m., the hearing was adjourned.]

Questions for the Record from SASC Hearing To receive testimony on the Administration's deployment of the National Guard across the United States
12/11/25

Senator Reed

Mobilization of National Guard Pursuant to section 12406 of title 10, U.S. Code

1. Mr. Young, you stated in the hearing that "the authority under which the President can mobilize National Guard personnel to be able to perform Federal law enforcement functions and to enforce the law is technically section 12406 of title 10, U.S. Code, which does not require the consent of the governor."

   Understanding that the courts currently have before them whether your unprecedented and questionable legal theory that the mobilization authority of section 12406 is an express exception to the Posse Comitatus Act (PCA), please explain, if that is the Administration's view, why the federally mobilized forces under section 12406 have NOT been assigned a law enforcement mission to date, and instead have been limited to the federal protection mission under the limited theory articulated by the Department of Justice (DOJ) Office of Legal Counsel (OLC) that it is not considered law enforcement?

2. Mr. Young, do you consider section 12406 of title 10, U.S. Code, to be an express exception to the PCA?

3. Mr. Young, are the National Guard who are deployed under this section performing a law enforcement mission under 12406, or are they performing a Federal Protective Mission under the President's Art. II authority?

4. Mr. Young, if we assume as you do that the authority Congress granted the President in section 12406 to mobilize the National Guard permits their use for law enforcement as an express exception to the PCA, why then have those missions been limited to protecting federal property and personnel (under the theory that to do so is not enforcing the law and thus does not implicate the PCA (consistent with the 1971 OLC "May Day" opinion))?

5. Mr. Young, is it also true that the missions in California, Illinois, and Oregon were in response to requests for assistance from Federal law enforcement agencies such as the Department of Homeland Security (DHS) and DOJ, and that Department of Defense's (DOD) support is funded by those agencies (under the Economy Act)?

6. Mr. Young, does the President have an inherent constitutional power to use the military domestically free from the constraints Congress has placed in law, such as the PCA?

7. Mr. Young, you should be familiar with the Supreme Court's landmark case, *Youngstown Sheet & Tube v. Sawyer*. Congress has consistently and uncontroversially legislated a framework for protection of Federal property and personnel, including by charging the Secretary of Homeland Security with responsibility for the protection of U.S. Government property and people on that property, and specifying from where additional personnel may be drawn if the DHS Federal Protective Service needs more resources. Other areas where Congress has acted to limit the President's power to exercise the so-called "protective power" include chapter 15 of title 10 (Defense Support to Civil Authorities) as well as

through the PCA itself. Do you believe, and have you advised the Secretary and DOD, that the President's power here is at its "lowest ebb," to use the *Youngstown* terminology?

8. Mr. Young, how does your view of the President's Article II power in this context square with the decision in *Youngstown* when the President's power is at its "lowest ebb"?

9. General Guillot, what was your view on the operational planning for "MacArthur Park" and other Los Angeles operations?

10. General Guillot, did you raise any objections to proposals by the Department of Homeland Security that any operations would cross the line into direct participation in law enforcement activities?

11. Mr. Young, you claimed that section 12406 of title 10, U.S. Code permits the President to federalize the National Guard of any state and use them to enforce the law, without any restriction other than the President's personal judgement about when the statute's factual preconditions are met. You stated that no consent from a State's governor is required. And the Department is now training national "quick reaction forces" of such guardsmen. If your view were correct, section 12406 would in many respects be a much broader exception to the PCA than the Insurrection Act. What legal or factual factors limit the President's reliance of section 12406, or is the only limitation the availability and readiness of National Guardsmen which the Department is working to increase?

12. Mr. Ditlevson, what policy factors limit the President's reliance of section 12406, or is the only limitation the availability and readiness of national guardsmen, which the Department is working to increase?

<u>DC National Guard Deployment and Deaths</u>

13. Mr. Ditlevson, public reporting has indicated that the two national guardsmen who were shot were not on a safety patrol but instead performing the "beautification mission" (picking up trash, mulching, painting fences). There is no clear substantive authority for the President to use military members or the National Guard to pick up trash or spread mulch, and because the guardsmen were assigned that mission on November 26, 2025, they were also unarmed. Is the decision to arm or not arm these national guardsmen on missions in DC is ultimately a policy decision made by the Secretary of Defense?

14. Mr. Ditlevson, as the Acting Assistant Secretary of Defense with responsibility for the domestic deployments, what did you advise the Secretary with respect to the value of the "beautification" mission, and with respect to the different arming posture of the National Guard (NG) for the various missions?

15. Mr. Young, there was never a request for DCNG assistance from law enforcement, as required under the DC code. What is the legal authority for the President to use the National Guard to collect trash, spread mulch, paint fences, or otherwise make DC more "beautiful"?

Senator Hirono

Perceptions

16. Mr. Young, Mr. Ditlevson, General Guillot, military forces on American streets—particularly in the Nation's capital—send a powerful signal. To our allies, it raises questions about democratic stability. To our own citizens, it changes how they view their government and their military. The normalization of soldiers patrolling civilian neighborhoods risks long-term damage to both our domestic legitimacy and our global credibility. What assessments—legal, operational, or strategic—has the Department conducted on the long-term consequences of repeatedly deploying military forces into American cities?

Readiness

17. Mr. Ditlevson, this Regime has repeatedly directed the National Guard into domestic policing roles, sometimes with little notice and over the objections of state and local leaders. How does the Department plan to evaluate the cumulative effects of these prolonged or indefinite domestic deployments on the Guard?

Homeland Military Deployment

18. Mr. Ditlevson, one of this Regime's key justifications for deploying the Guard has been the claim that cities are experiencing a breakdown in public safety. Yet at the same time, the Administration has eliminated or withheld significant federal support for violence-prevention and community safety initiatives—programs that actually reduce crime and reduce the need for heavy law-enforcement presence. From a homeland defense and strategic policy perspective, how does this Regime justify large-scale military deployments into U.S. cities while simultaneously supporting the elimination of evidence-based public-safety grants that address the root causes of violence?

19. Mr. Ditlevson, why rely on military force rather than restore or expand the civilian tools that have been proven to reduce crime?

Community Trust

20. Mr. Ditlevson, homeland defense is not just about responding to threats; it also depends on maintaining public trust and ensuring communities feel protected rather than targeted. Yet the combination of aggressive immigration raids and visible military deployments has created widespread fear in many communities, causing residents to avoid public spaces, disengage from law enforcement, and withdraw cooperation that is essential to real public safety. From a homeland defense perspective, how does the Department assess the risk that these operations—immigration crackdowns paired with military deployments—are undermining public trust and actually degrading community stability?

Senator Kaine

Operational End-state

21. Mr. Ditlevson, it is essential to have a well-defined end state and achievable objectives to justify and manage the use of national security resources effectively. Describe for me your operational end-state for these deployments of the National Guard in support of civilian law enforcement agencies.

22. Mr. Ditleson, what must happen for you to tell the President that the mission has been accomplished?

Senator Warren

Posse Comitatus Act & Insurrection Act

23. Mr. Ditlevson, Mr. Young, and General Guillot, when does the Posse Comitatus Act (PCA) apply to domestically-deployed National Guard and other military personnel?
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

24. Mr. Ditlevson, Mr. Young, and General Guillot, what training did the National Guard and other military personnel deployed domestically since January 20, 2025, receive on PCA?
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

25. Mr. Ditlevson and General Guillot, was a qualified Judge Advocate officer assigned and present to answer questions during any training on PCA?
    A. Mr. Ditlevson
    B. General Gu illot

26. Mr. Ditlevson, Mr. Young, and General Guillot, what training do the National Guard and military personnel deployed domestically receive to ensure constitutionally-guaranteed civil rights and civil liberties are respected and protected during these missions?
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

27. Mr. Ditlevson and General Guillot, was a qualified judge advocate officer assigned and present to answer questions during any training on protecting constitutionally-guaranteed civil rights and civil liberties during all domestic deployments since January 20, 2025?
    A. Mr. Ditlevson
    B. General Guillot

28. Mr. Young, has DOD been asked to assess whether there are "unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, mak[ing] it impracticable to enforce the laws of the United States in any State by the ordinary course of judicial proceedings" under 10 USC 252? If so, what were the findings of that assessment? Please provide copies of any related findings.

29. Mr. Young, if DOD has been asked to make such an assessment, what has been the role of DOD military and civilian attorneys in that assessment of 10 USC 252? What evidence, if any, has been assessed?

30. Mr. Young, has DOD received any opinions from the Department of Justice Office of Legal Counsel on its authorities under 10 USC 252? Please provide any opinions that have been provided.

31. Mr. Young, has DOD been asked to assess whether there is "any insurrection, domestic violence, unlawful combination, or conspiracy" that "so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is

deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law" under 10 USC 253? If so, what were the findings of that assessment? Please provide copies of any related findings.

32. Mr. Young, if DOD has been asked to make such an assessment, what has been the role of DOD military and civilian attorneys in that assessment of 10 USC 253? What evidence, if any, has been assessed?

33. Mr. Young, has DOD received any opinions from the Department of Justice Office of Legal Counsel on its authorities under 10 USC 253? Please provide any opinions that have been provided.

34. Mr. Young, has DOD been asked to assess whether there is "any insurrection, domestic violence, unlawful combination, or conspiracy" that "opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws" under 10 USC 253? If so, what were the findings of that assessment? Please provide copies of any related findings.

35. Mr. Young, if DOD has been asked to make such an assessment, what has been the role of DOD military and civilian attorneys in assessing whether there is "any insurrection, domestic violence, unlawful combination, or conspiracy" that "opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws" under 10 USC 253? What evidence, if any, has been assessed?

Detention and Deportation of Non-Citizen Service Members and Military Family Members

36. Mr. Ditlevson, as of January 20, 2025, how many non-citizens were serving in the military?

37. Mr. Ditlevson, please provide a monthly breakdown of the number of non-citizens serving in the military since January 20, 2025.

38. Mr. Ditlevson, are any DOD recruiting programs currently advertising military service as temporary protection from deportation?

39. Mr. Ditlevson, what actions has DOD taken to ensure that DOD's recruitment talking points reflect the Trump Administration's newest policies on non-citizen service members and their families?

40. Mr. Ditlevson, please provide copies of any instructions that DOD or each of the military services have provided to recruiters regarding how to talk about immigration benefits linked to enlistment.

41. Mr. Ditlevson, please provide a copy of any advertisements and recruitment materials that DOD has used since January 20, 2025 related to potential immigration benefits linked to enlistment.

42. Mr. Ditlevson, please provide a copy of any guidance DOD or each of the military services have provided to DOD personnel related to recent policy changes pertaining to non-citizens in the military and noncitizen military family members.

43. Mr. Ditlevson, what actions, if any, has DOD taken to alert and provide resources to service members or their families regarding USCIS's February 28, 2025 directive or ICE's April 10, 2025 memorandum? Please provide copies of any resources that DOD has provided to service members or their families regarding this directive.

44. Mr. Ditlevson, what is the impact on recruitment, readiness, and morale when non-citizen members of the military and their families are deported?

45. Mr. Ditlevson, has DOD conducted any analysis along these lines? If so, please provide a copy of that analysis.

46. Mr. Ditlevson, what rules does DOD follow with respect to sharing information with and responding to requests from the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE)?

47. General Guillot, what are the benefits to military readiness of having service members with language and cultural proficiency skills?

48. General Guillot, what is the average cost for DOD to train personnel to reach each level of language proficiency, from level 1 to 4 or higher? Please provide a breakdown by proficiency level.

Use of the National Guard at Polling Locations

49. Mr. Ditlevson, Mr. Young, and General Guillot, are you aware of any discussions or analysis related to the deployment of National Guard or federal troops at or near polling places next November? If so, please explain the nature of such discussions and provide copies of any such analysis.
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

50. Mr. Ditlevson, Mr. Young, and General Guillot, if there have been any discussions or analysis related to the deployment of National Guard or federal troops at or near polling places next November, what were the purposes of these potential deployments that were discussed?
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

51. Mr. Ditlevson, Mr. Young, and General Guillot, if there were any discussions or analysis related to the deployment of National Guard or federal troops at or near polling places next November, please provide a list of locations that are being discussed or evaluated.
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

52. Mr. Ditlevson, Mr. Young, and General Guillot, if there were any discussions or analysis related to the deployment of National Guard or federal troops at or near polling places next November, what is the basis for considering those locations for the deployment of federal troops?

A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

53. Mr. Ditlevson, Mr. Young, and General Guillot, do you agree that 18 USC 592 prohibits stationing military personnel near polling places during special or general elections?
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

54. Mr. Ditlevson, Mr. Young, and General Guillot, do you commit to following 18 USC 592?
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

55. General Guillot, do you agree to reject any orders that violate 18 USC 592?

56. Mr. Young, if President Trump orders National Guard or other military forces to deploy at or near polling places leading up to and during the 2026 mid-term elections, would those orders be lawful or unlawful?

57. Mr. Young, what individuals or groups would qualify as armed enemies of the United States under 18 U.S.C. 592?

58. Mr. Young, would political opponents of the president or registered Democrats qualify as armed enemies of the United States under 18 U.S.C. 592?

59. Mr. Ditlevson and Mr. Young, do you commit to not using military troop deployments to influence the outcome of any U.S. elections?
    A. Mr. Ditlevson
    B. Mr. Young

60. Mr. Ditlevson and Mr. Young, under what circumstances would it be proper and lawful for military commanders to refuse orders to deploy military forces to polling places during U.S. elections?
    A. Mr. Ditlevson
    B. Mr. Young

61. Mr. Young, you noted that under Supreme Court precedent, elections are the remedy to the President's overreach in determining what constitutes an "emergency." Do you believe the reliability of that remedy would be impacted if troops are stationed at polling places during any upcoming elections and some Americans fear going to polling places? If so, please describe the impact you would anticipate.

<u>Judge Advocates General</u>

62. Mr. Young, according to press reports, you have repeatedly shut down internal inquiries into whether DOD officials are violating the law. When the Army's top uniformed legal advisor raised concerns about the legality of using the Texas National Guard for immigration enforcement in January, you indicated he should "stop meddling in state affairs." Have you told any judge advocates general (JAGs) or other attorneys at the DOD to refrain from

opining or asking questions about domestic deployment of the military? Please describe the circumstances if so.

63. Mr. Young, what role did you have in Secretary Hegseth's decision to fire all of the TJAGs?

64. Mr. Young, when is it proper to remove a TJAG?

65. Mr. Young, will you comply with Section 506 in the FY 26 NDAA?

66. Mr. Young, have you said or otherwise communicated anything to any JAGS or other attorneys at DOD that could be reasonably interpreted as discouraging asking questions, researching, or otherwise conducting inquiries into the legality of domestic deployment of the military? If so, please describe these communications.

67. Mr. Young, have you been accused of having said or otherwise communicated anything to any JAGS or other attorneys at DOD that could be reasonably interpreted as discouraging asking questions, researching, or otherwise conducting inquiries into the legality of domestic deployment of the military? If so, please describe these accusations.

68. Mr. Young, when other Army attorneys questioned the legality of mass purges of probationary employees, which they wanted to be prepared to defend in court, you reportedly "refused to speak to them altogether, making clear [you] would only speak to the Army's top civilian lawyer at the time." The subsequent firing of the Army's top Judge Advocate General (JAG) in February appears to be retaliation for asking legitimate legal questions that are his core responsibilities, as well as a punishment for questioning your office's conduct. Is it accurate that you refused to speak to the Army's top JAG officer about the legality of mass purges of DOD probationary employees or any other DOD actions?

69. Mr. Young, I am also concerned by allegations that military officers are being subjected to "political litmus tests," including asking "whether candidates agreed with former President Joe Biden's policies rather than their interpretations of law" and "how they felt about requiring COVID-19 vaccines for troops and allowing transgender troops to serve." Do you think it is appropriate to subject military officers to these questions?

70. Mr. Young, what role, if any, have you had in screening or interviewing JAGs for promotion?

71. Mr. Young, have any DOD personnel asked candidates for the top JAG roles whether they agreed with former President Joe Biden's policies? If so, what questions were asked and why?

72. Mr. Young, have any DOD personnel asked candidates for the top JAG roles about requiring COVID-19 vaccines for troops? If so, what questions were asked and why?

73. Mr. Young, have any DOD personnel asked candidates for the top JAG roles about allowing transgender troops to serve? If so, what questions were asked and why?

74. Mr. Young, in your opinion, is it beneficial to good order and discipline for attorneys to be afraid to voice their best independent legal advice?

75. Mr. Young, in your opinion, does it benefit the rule of law or legal compliance for attorneys to be afraid that providing their best legal independent legal advice will lead to them being fired?

76. Mr. Young, according to reports, a senior JAG "for the combatant command overseeing lethal strikes on alleged drug-smuggling boats near Venezuela disagreed with the Trump administration's position that the operations are lawful — and his views were sidelined." Have any JAGs raised concerns about the illegality of these operations? If so, please describe the nature of these concerns and provide any related documentation.

77. Mr. Ditlevson, Mr. Young, and General Guillot, have any JAGs expressed concern about the legality of any domestic deployment missions or actions taken by DOD personnel during those missions? If so, please describe the concerns expressed.
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

78. Mr. Ditlevson and Mr. Young, what are the "exigent circumstances" that DOD believes currently justify deployments within any U.S. cities?
    A. Mr. Ditlevson
    B. Mr. Young

<u>Deployments of National Guard or Federal Active-Duty Forces</u>

79. Mr. Ditlevson and Mr. Young, do you support an indefinite or multi-year deployment of the National Guard or other military personnel to any American city or town? If so, which ones and on what basis?
    A. Mr. Ditlevson
    B. Mr. Young

80. Mr. Ditlevson and Mr. Young, when do you think the domestic deployments of the National Guard or other military personnel to each of the locations to which they are currently deployed should end?
    A. Mr. Ditlevson
    B. Mr. Young

81. Mr. Ditlevson and Mr. Young, are there currently operational plans or plans being produced to use active-duty forces for any future domestic deployments, such as the deployment of Marines to LA this summer?
    A. Mr. Ditlevson
    B. Mr. Young

82. Mr. Ditlevson and Mr. Young, how would you define the "enemy within" that the President has repeatedly referred to, including in his remarks to military leaders at Quantico?
    A. Mr. Ditlevson
    B. Mr. Young

83. Mr. Ditlevson and Mr. Young, what analysis has been conducted to determine whether to use National Guard or active-duty troops in domestic deployments? In what situations would active-duty troops be used? Please provide a copy of any related analysis.

A. Mr. Ditlevson
B. Mr. Young

84. Mr. Ditlevson and Mr. Young, how does DOD plan to measure whether the "mission" has been accomplished for any of these domestic deployments?
    A. Mr. Ditlevson
    B. Mr. Young

85. Mr. Ditlevson and Mr. Young, what is the assessment framework for determining when military personnel are no longer needed for these domestic deployments?
    A. Mr. Ditlevson
    B. Mr. Young

86. Mr. Ditlevson and Mr. Young, will you commit to following the law if the courts rule that any of the domestic deployments of National Guard or other military personnel is illegal?
    A. Mr. Ditlevson
    B. Mr. Young

87. Mr. Ditlevson, Mr. Young, and General Guillot, how is DOD evaluating the impacts of these domestic deployments on troop morale? Please provide copies of any analysis.
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

88. Mr. Ditlevson, Mr. Young, and General Guillot, how is DOD evaluating the impacts of these domestic deployments on readiness? Please provide a copy of any analysis.
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

89. General Guillot, what negative impacts to readiness could or are resulting from any decreased troop morale due to domestic deployments?

90. General Guillot, what negative impacts to readiness could or are resulting from any decreased domestic trust in the military due to domestic deployments?

91. General Guillot, what are the negative impacts of decreased domestic trust in the military on its effectiveness?

92. General Guillot, what are the negative impacts of decreased domestic trust in the military on troop morale?

93. Mr. Young, the administration has argued in court that 32 U.S.C. 502(f) provides not just a mobilization authority but also a mission authority. What is your understanding of the legal limitations that exist on the missions that can be conducted under 502(f)?

94. Mr. Young, has DOD received any analysis or advice from the Department of Justice's Office of Legal Counsel regarding interpreting 32 U.S.C. 502(f)? Please provide a copy of any analysis or advice conveyed orally or in writing.

95. General Guillot, for each U.S. city where service members have been deployed, please provide a full list of tasks to which service members deployed within the United States have been assigned.

Deployment of National Guard to DC

96. Mr. Ditlevson and Mr. Young, reporting indicates that "National Guard leaders are recruiting for a smaller full-time unit that will include military police deployed to DC as part of a two-year plan." On what basis did the DOD and the National Guard determine that this unit was needed?
    A. Mr. Ditlevson
    B. Mr. Young

97. Mr. Ditlevson and Mr. Young, on what basis did DOD and the National Guard determine that the time period of this plan should be two years?
    A. Mr. Ditlevson
    B. Mr. Young

98. Mr. Ditlevson and Mr. Young, under what authority and on what basis would this full-time unit be deployed?
    A. Mr. Ditlevson
    B. Mr. Young

99. Mr. Ditlevson and Mr. Young, what is the anticipated size of this full-time unit?
    A. Mr. Ditlevson
    B. Mr. Young

100. Mr. Ditlevson and Mr. Young, what would be the mission of this full-time unit?
    A. Mr. Ditlevson
    B. Mr. Young

101. Mr. Ditlevson and Mr. Young, what training would this full-time unit receive?
    A. Mr. Ditlevson
    B. Mr. Young

102. Mr. Ditlevson, Mr. Young, and General Guillot, reporters have noted that "Trump officials had said the purpose of the National Guard in DC was to establish a presence at various locations – mostly federal monuments and metro stations – and act as a crime deterrent. The intention was to free up law enforcement agents to address crime elsewhere in the city, but new joint patrols with guard members and police would seem to contradict that." Has DOD conducted any analysis regarding the effectiveness of this shift to joint patrols? If so, please provide a copy of that analysis.
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

103. Mr. Ditlevson and Mr. Young, reports indicate that the deployment of National Guard to DC costs up to $1.5 million a day and that "[s]ome officials [have] privately question[ed] the financial logic of the mission. A far smaller sum, they note, could have gone toward addressing chronic short-staffing at the DC police department." Did DOD conduct any

financial analysis on the cost effectiveness of the deployment of the Guard compared to other options such as staff funding for the DC police department? If so, please provide a copy of this analysis.

A. Mr. Ditlevson
B. Mr. Young

Training Exercise Cancellations

104. General Guillot, please provide a full list of training exercises that have been delayed or canceled due to deployments to the southern border and the interior of the United States.

105. General Guillot, there have been at least two training exercises that were canceled and one that was scaled back due to the recent deployments of troops to the southern border. This included the cancellation of NORTHCOM's Vibrant Response exercise as well as the scaling back of NORTHCOM's Ardent Sentry. What is the impact on military readiness of missing or scaling back training exercises?

106. Mr. Ditlevson, Mr. Young, and General Guillot, have any training exercises been delayed, canceled, or modified due to the domestic deployment of National Guard or military personnel?

A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

107. Mr. Ditlevson, Mr. Young, and General Guillot, if any training exercises have been delayed, canceled, or modified due to the domestic deployment of National Guard or military personnel, please provide the dates and types of any affected training exercises, which units were impacted, and any impact on military readiness.

A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

108. Mr. Ditlevson, Mr. Young, and General Guillot, if you claim that there was no impact on military readiness due to any training exercises being delayed, canceled, or modified due to the domestic deployment of National Guard or military personnel, why did the military plan to spend taxpayer money on these exercises if they do not affect readiness?

A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

Rules on Use of Force, Protections of Civil Rights and Civil Liberties, and Training Processes

109. Mr. Ditlevson, Mr. Young, and General Guillot, please provide a copy of the Rules on the Use of Force (RUF) for each of the domestic deployments of National Guard or other military personnel since January 20, 2025?

A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

110. Mr. Ditlevson, Mr. Young, and General Guillot, how do the Rules on the Use of Force for each of these missions differ from the Standing Rules on the Use of Force (SRUF)?

A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

111. Mr. Ditlevson, Mr. Young, and General Guillot, who drafted the mission-specific RUF for each of these domestic deployments?
A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

112. Mr. Ditlevson, Mr. Young, and General Guillot, who approved the mission-specific RUF for each of these domestic deployments?
A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

113. Mr. Ditlevson, Mr. Young, and General Guillot, what specific training did domestically deployed National Guard and other military personnel receive on the RUF for these missions, and who provided this training?
A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

114. How specifically are domestically deployed servicemembers informed of the difference in legal and policy limitations between peacetime and wartime missions?
A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

115. Mr. Ditlevson, Mr. Young, and General Guillot, what specific training did domestically deployed National Guard and other military personnel receive on deescalation techniques, and who provided this training?
A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

116. Mr. Ditlevson, Mr. Young, and General Guillot, what specific training did domestically deployed National Guard and other military personnel receive on participating in arrests and detentions, and who provided this training?
A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

117. Mr. Ditlevson, Mr. Young, and General Guillot, what specific training did domestically deployed National Guard and other military personnel receive on constitutional rights, and who provided this training?
A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

118. Mr. Ditlevson, Mr. Young, and General Guillot, have all service members who have been deployed within the United States since January 20, 2025 fully completed training on their authorities and limitations, including training on RUF, constitutional rights, and deescalation? Please provide written copies of the training they received.
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

119. Mr. Ditlevson and General Guillot, was a qualified Judge Advocate officer assigned and present to answer questions during each of the RUF trainings for domestic deployments since January 20, 2025?
    A. Mr. Ditlevson
    B. General Guillot

120. Mr. Ditlevson and General Guillot, if there was not a qualified Judge Advocate officer assigned and present to answer questions during each of these RUF trainings, why did DOD fail to include one?
    A. Mr. Ditlevson
    B. General Guillot

121. Mr. Ditlevson and General Guillot, does DOD have plans to begin training service members preparing to deploy within the United States on interacting with individuals experiencing mental health crises? If not, why not?
    A. Mr. Ditlevson
    B. General Guillot

122. Mr. Ditlevson and General Guillot, in what format have trainings on RUF for domestic deployments been provided?
    A. Mr. Ditlevson
    B. General Guillot

123. Mr. Ditlevson and General Guillot, what is the total length of the full training period and the length of training specifically on RUF, constitutional rights, and de-escalation for domestic deployments?
    A. Mr. Ditlevson
    B. General Guillot

124. Mr. Ditlevson and General Guillot, how, if at all, are servicemembers undergoing training in preparation for domestic deployments tested on their understanding of the materials taught?
    A. Mr. Ditlevson
    B. General Guillot

125. Mr. Ditlevson, Mr. Young, and General Guillot, are servicemembers under DOD's command authorized to use force against unarmed civilians at the border or within the interior of the United States under any circumstances, and if so, under what circumstances?
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

126. Mr. Ditlevson, Mr. Young, and General Guillot, did any judge advocate officer or general review each of these RUFs related to domestic deployments? Please provide a breakdown by RUF.
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

127. Mr. Ditlevson, Mr. Young, and General Guillot, if any judge advocate officer or general reviewed an RUF related to any of the domestic deployments since January 20, 2025, what recommendations did they make for any changes?
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

128. Mr. Ditlevson, Mr. Young, and General Guillot, if any judge advocate officer or general recommended changes to any RUF, related to any of the domestic deployments since January 20, 2025 were these changes made?
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

129. Mr. Ditlevson, Mr. Young, and General Guillot, did any judge advocate officer or general review the overall mission of each of these domestic deployments? If not, why not?
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

130. Mr. Ditlevson, Mr. Young, and General Guillot, if any judge advocate officer or general recommended changes to the overall mission of each of these domestic deployments, were these changes made?
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

131. Mr. Ditlevson, Mr. Young, and General Guillot, please provide any and all legal reviews produced on the domestic deployments in general, plus on the RUF in particular, by any military or civilian attorney within DOD or otherwise in the executive branch.
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

132. Mr. Ditlevson, Mr. Young, and General Guillot, for each of the domestic deployments of National Guard or other military personnel, what specifically authorized these personnel to exercise law enforcement authority and what were the limits to this authority?
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

133. Mr. Ditlevson, Mr. Young, and General Guillot, for each of these domestic deployments, what was the arming status of the National Guard or other military personnel? Did it change at any point, and if so, how?

A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

134. Mr. Ditlevson, Mr. Young, and General Guillot, what is your understanding of the impact, or any restrictions, that state laws placed on the law enforcement authorities or arming status of the National Guard or other military personnel deployed domestically?
A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

135. Mr. Ditlevson, Mr. Young, and General Guillot, are there any existing mechanisms for the general public to report concerns with specific domestic deployments or interactions with troops if they think a right has been violated? If not, are there any plans to create such a mechanism?
A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

136. Mr. Ditlevson, Mr. Young, and General Guillot, what are the current mechanisms troops have to ask questions or raise concerns about the legality of actions they are ordered to take?
A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

137. Mr. Ditlevson, Mr. Young, and General Guillot, have any service members expressed concerns about the legality of actions they have been ordered to take since January 20, 2025? Please describe the concerns raised.
A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

138. Mr. Ditlevson and Mr. Young, do you anticipate that DOD will expand the scope of its domestic deployment missions beyond protecting federal buildings and federal functions, and if so, what would be the expanded mission?
A. Mr. Ditlevson
B. Mr. Young

139. Mr. Ditlevson, Mr. Young, and General Guillot, what "federal functions" are domestically-deployed service members authorized to protect?
A. Mr. Ditlevson
B. Mr. Young
C. General Guillot

140. Mr. Ditlevson, does DOD plan to expand its domestic deployments of National Guard or other DOD personnel in 2026? If so, when, where, and on what basis is it planning to do so?

141. Mr. Ditlevson, are there any domestic deployments of National Guard or other DOD personnel that DOD is currently considering? If so, please provide the list of locations that DOD is considering the deployment of troops, the number of troops that it is considering deploying, and on what basis it is considering doing so.

142. Mr. Ditlevson, if DOD is considering additional domestic deployments of National Guard or other DOD personnel, what is the anticipated timeline for the start and conclusion of those deployments?

143. Mr. Ditlevson, would any domestic deployment operations be impacted by a government shutdown? If so, please describe the nature of the impact.

Arrest and Detention Operations

144. Mr. Ditlevson, for individuals detained at Fort Bliss: please provide: the median length of detention; a description of any detention standards that each installation is required to uphold; the installation's capacity to provide potable water, electricity, sewage services to detained noncitizens; policy and practice regarding access to counsel; and an assessment of the mental and physical health of those being detained.

145. Mr. Ditlevson, with what companies has DOD entered contracts for the provision of goods or services to support detention operations at Fort Bliss? Please provide the names of contractors, the dates of the contracts, the value of the contracts, and a description of the services or goods described in the contract.

146. Mr. Ditlevson and Mr. Young, as of now, does DOD intend to begin using Camp Atterbury or Joint Base McGuire-Dix-Lakehurst for immigration-related detention operations? If so, when?
   A. Mr. Ditlevson
   B. Mr. Young

147. Mr. Ditlevson and Mr. Young, has DOD updated any installation master plans to account for detention operations? If so, for which installations?
   A. Mr. Ditlevson
   B. Mr. Young

148. Mr. Ditlevson and Mr. Young, please provide a full list of any military bases in the United States, beyond those currently in use, that DOD is considering authorizing for use for immigration detention operations.
   A. Mr. Ditlevson
   B. Mr. Young

149. Mr. Young, under what circumstances, if any, are service members under DOD's command authorized to make arrests at the border or within the interior of the United States?

150. Mr. Ditlevson and General Guillot, there are new reports alleging that officers at the immigration detention camp at Fort Bliss are "mistreating detainees, with accusations including beatings, sexual abuse and clandestine deportations of non-Mexican nationals into Mexico." Has DOD begun investigating these allegations? If not, why not?
   A. Mr. Ditlevson
   B. General Guillot

Quick Reaction Forces

151. Mr. Ditlevson and Mr. Young, DOD has reportedly ordered all states, D.C., and U.S. territories to form "quick reaction forces" (QFRs) trained in "riot control." Have any State Adjutants General been ordered not to disclose information about their states' training or planning for QRF deployments, and if so, on what basis?
    A. Mr. Ditlevson
    B. Mr. Young

152. Mr. Ditlevson and Mr. Young, have any State Adjutants General received guidance that would give the impression that they cannot disclose information about their states' training or planning for QRF deployments?
    A. Mr. Ditlevson
    B. Mr. Young

153. Mr. Ditlevson and Mr. Young, will these QRF be deployed with non-lethal or lethal equipment?
    A. Mr. Ditlevson
    B. Mr. Young

154. Mr. Ditlevson and Mr. Young, would QRFs be deployable outside of their own states, without the consent of the receiving state governor?
    A. Mr. Ditlevson
    B. Mr. Young

155. Mr. Ditlevson and Mr. Young, on what basis would QRFs be authorized to perform law enforcement duties?
    A. Mr. Ditlevson
    B. Mr. Young

156. Mr. Ditlevson and Mr. Young, what types of civil disturbances are they intended to "quell"?
    A. Mr. Ditlevson
    B. Mr. Young

157. Mr. Ditlevson and Mr. Young, who would decide which civil disturbances would or would not be quelled by the QRFs?
    A. Mr. Ditlevson
    B. Mr. Young

158. Mr. Ditlevson and Mr. Young, what training will or are these QRFs personnel receiving for these missions?
    A. Mr. Ditlevson
    B. Mr. Young

159. Mr. Ditlevson and Mr. Young, has DOD conducted any analysis regarding the ability of the President to deploy QRFs under the Insurrection Act? If so, please provide a copy of the analysis.
    A. Mr. Ditlevson
    B. Mr. Young

<u>Deployment of Troops for Immigration Enforcement</u>

160. Mr. Ditlevson and General Guillot, how is DOD assessing whether operations to provide military support to immigration enforcement impact military readiness?
    A. Mr. Ditlevson
    B. General Guillot

161. Mr. Ditlevson and General Guillot, has DOD conducted an analysis of how the diversion of funds, troops, and resources is impacting readiness? If so, please provide a copy of this analysis and its findings.
    A. Mr. Ditlevson
    B. General Guillot

162. Mr. Ditlevson and General Guillot, has DOD conducted an analysis of how the diversion of funds, troops, and resources is impacting strategic readiness? If so, please provide a copy of this analysis and its findings.
    A. Mr. Ditlevson
    B. General Guillot

163. Mr. Ditlevson and General Guillot, has DOD conducted an analysis of how the diversion of funds, troops, and resources is impacting tactical readiness? If so, please provide a copy of this analysis and its findings.
    A. Mr. Ditlevson
    B. General Guillot

164. Mr. Ditlevson and General Guillot, how does DOD assess the unit-level readiness impacts of assigning units to immigration enforcement, including but not limited to border operations?
    A. Mr. Ditlevson
    B. General Guillot

165. Mr. Ditlevson and General Guillot, what training programs have been cancelled, delayed, or disrupted as a result of DOD support to immigration enforcement?
    A. Mr. Ditlevson
    B. General Guillot

166. Mr. Ditlevson and General Guillot, how does DOD determine which units should support immigration enforcement, including but not limited to border operations?
    A. Mr. Ditlevson
    B. General Guillot

167. Mr. Ditlevson, how many troops are currently supporting immigration enforcement functions? Please include figures for Active Duty, Reserves, and National Guard forces.

168. Mr. Ditlevson, how many troops are currently deployed to the border? Please provide a breakdown of the number of troops deployed to the border who are supporting immigration enforcement functions.

169. Mr. Ditlevson, how many troops are currently deployed within American communities? Please include figures by location and a breakdown of the number of these troops who are supporting immigration enforcement functions.

170. Mr. Ditlevson, how many troops are currently supporting the transportation of detained noncitizens?

171. Mr. Ditlevson, how many troops are currently supporting the detention of noncitizens? Please include figures by location.

172. Mr. Ditlevson, how many troops are supporting immigration raids and other immigration enforcement field operations?

173. Mr. Ditlevson, how many DOD civilians are supporting immigration enforcement? Please include details on the number of DOD civilian detailees, their home offices, offices where they have been assigned, and length of detail.

174. Mr. Ditlevson, how many DOD contractors have been assigned to support immigration enforcement? Please include details on the number of DOD contractors, their original offices, offices where they have been assigned, and length of assignment.

175. Mr. Ditlevson, what is the long-term plan for border deployments?

176. Mr. Ditlevson and General Guillot, how long are the deployment rotations at the border expected to last?
   A. Mr. Ditlevson
   B. General Guillot

177. Mr. Ditlevson and General Guillot, which units are scheduled to replace the units currently deployed to the border and when are replacements scheduled to occur?
   A. Mr. Ditlevson
   B. General Guillot

178. Mr. Ditlevson, does the DOD intend to permanently reorient the military toward border enforcement operations?

179. Mr. Ditlevson, what is the long-term plan for domestic deployments to American communities?

180. Mr. Ditlevson and General Guillot, how does DOD determine the duration of deployments to American communities?
   A. Mr. Ditlevson
   B. General Guillot

181. Mr. Ditlevson and General Guillot, for which of the current deployments within American communities have DOD personnel been instructed to perform immigration-related functions, including protecting Immigration and Customs Enforcement (ICE) facilities?
   A. Mr. Ditlevson
   B. General Guillot

182. Mr. Ditlevson, does DOD intend to permanently reorient the military toward domestic immigration enforcement in American communities?

183. Mr. Ditlevson, how much DOD spending in FY 2025 was related to immigration enforcement and border operations? Please provide a breakdown of the funding lines and purposes for which this funding was used.

184. Mr. Ditlevson, how much DOD spending on immigration enforcement and border operations was reimbursable? Please provide a breakdown of the funding lines and purposes for which this funding was used.

185. Mr. Ditlevson, to date, how much has DHS reimbursed? Please provide a breakdown of the funding lines and purposes for which this funding was used.

186. Mr. Ditlevson, are the DOD attorneys serving as temporary immigration judges detailed on a reimbursable basis as contemplated by the Department of Justice (DOJ) slip opinion issued on October 23, 2025?

187. Mr. Ditlevson, please provide copies of any memoranda of understanding (MOU) or memoranda of agreement (MOA) between DOD and DHS, including any agreements between DOD and ICE and/or Customs and Border Protection (CBP).

Senator Duckworth

Ethics and Transparency

188. Mr. Ditlevson, what guidance, if any, has the Department provided about the classification level of Department of Defense decisions, guidance or information regarding domestic deployments of the U.S. military to American cities? If above unclassified, please provide the scope/criteria and justifications for the classification level.

189. Mr. Ditlevson, Mr. Young, and General Guillot, what steps are you taking to ensure proper documentation of the military's activities in support of law enforcement within U.S. territory?
   A. Mr. Ditlevson
   B. Mr. Young III
   C. General Guillot

190. Mr. Ditlevson, Mr. Young, and General Guillot, what steps are you taking to ensure proper documentation of any requests from federal law enforcement agencies for support from the Department of Defense, including any verbal or non-written requests?
   A. Mr. Ditlevson
   B. Mr. Young
   C. General Guillot

Conduct of Deployments

191. Mr. Ditlevson and Mr. Young, please provide copies of all training materials used to train federalized servicemembers in Illinois, Oregon and California tasked with the federal protection mission.
   A. Mr. Ditlevson
   B. Mr. Young

192. Mr. Ditlevson and Mr. Young, what guidance has the Department of Defense provided regarding servicemembers' responsibilities and authorities to intervene or report incidents where federal agents wrongfully harm a civilian?
   A. Mr. Ditlevson
   B. Mr. Young

193. Mr. Ditlevson and Mr. Young, will the Department of Defense commit to ensuring legal protections and providing guidance for any title 10 servicemember who, in good faith, intervenes to prevent a federal agent from wrongfully harming a civilian during domestic operations?
   A. Mr. Ditlevson
   B. Mr. Young

194. Mr. Ditlevson and Mr. Young, what steps is the Department of Defense taking to address reservations from servicemembers about the purpose, legality and legitimacy of domestic mission assignments, as reports have indicated is happening across the National Guard?
   A. Mr. Ditlevson
   B. Mr. Young

195. Mr. Ditlevson, Mr. Young, and General Guillot, what are the Department's plans to ensure there is clear, visual distinction between DHS personnel and military servicemembers when they are operating in close proximity?
    A. Mr. Ditlevson
    B. Mr. Young
    C. General Guillot

196. General Guillot, please provide any After Action Reviews produced by any commander under your command regarding these deployments.

197. Mr. Ditlevson, please provide any Action Memos and/or readouts in any form (including email) written by any Department of Defense official regarding DOD decisions regarding these deployments.

198. Mr. Young, in your opinion, what conditions would make an order for any active-duty or National Guard force to fire on civilian protestors in U.S. territory lawful?

Future Plans for Domestic Missions

199. Mr. Ditlevson, can you commit that no Active Duty or National Guard troops will be stationed near polling places in future elections, absent a verified threat presented to Congress and the American people by appropriate election officials or the intelligence community prior to troop deployment?

200. Mr. Ditlevson and Mr. Young, has there been any discussion about possibly deploying or authorizing the use of title 10 forces (whether active duty or National Guard) or title 32 National Guard forces at or near polling places in any U.S. state during future elections? If so, provide details of these discussions, including which states and the options considered.
    A. Mr. Ditlevson
    B. Mr. Young

201. Mr. Ditlevson, has there been any discussion or planning regarding possibly deploying or authorizing the use of title 10 forces (whether active duty or National Guard) across State lines for any missions related to law enforcement functions?

202. Mr. Ditlevson, what conditions were discussed that might trigger that decision and for what purposes or missions?

203. Mr. Ditlevson, what specific threat conditions do you believe would merit the deployment of title 10 forces (whether Active Duty or National Guard) or title 32 National Guard forces at or near polling places?

204. Mr. Ditlevson and Mr. Young, under what laws or authorities would deploying title 10 forces (whether Active Duty or National Guard) or title 32 National Guard forces at or near polling places be considered lawful?
    A. Mr. Ditlevson
    B. Mr. Young

205. Mr. Ditlevson, what analysis (if any) has been done on the impact of any deployment of title 10 forces (whether Active Duty or National Guard) or title 32 National Guard forces at or near polling on local communities?

206. Mr. Ditlevson, can you commit that no Active Duty or National Guard troops (in any status) will be domestically deployed to protect federal agents (or in any other support mission) as these agents arrest local, state and federal elected officials, who are carrying out their duties or exercising their Constitutional rights?

207. Mr. Ditlevson, can you commit that no Active Duty or National Guard troops (in any status) will be domestically deployed to protect federal agents (or in any other support mission) as these agents arrest American citizens, who are exercising their Constitutional rights?

208. Mr. Ditlevson, what guidance has your office issued or authored regarding planned domestic activities of Active Duty or title 10 or title 32 National Guard forces? Please provide copies of any related guidance, whether formal or informal, from the Office of the Secretary of Defense for Policy.

209. Mr. Ditlevson, Mr. Young, and General Guillot, have you been directed by any Administration official that a designation of a domestic organization as a "designated terrorist organization" is sufficient authority to deploy military force against U.S. citizens on U.S. territory?
   A. Mr. Ditlevson
   B. Mr. Young
   C. General Guillot

210. Mr. Ditlevson, Mr. Young, and General Guillot, what checks exist to prevent possible misuse, and what role does the Department of Defense play in evaluating the legitimacy of such designations before a Presidential decision on designation?
   A. Mr. Ditlevson
   B. Mr. Young
   C. General Guillot

211. Mr. Ditlevson, how do you respond to polls showing that a majority of Americans oppose using the National Guard for domestic law enforcement?

<u>Basis for Domestic Deployments</u>

212. Mr. Ditlevson, please explain, in your opinion, the specific, unique capabilities of the military or federalized National Guard troops have that other Federal agencies or state or local law enforcement do not have to conduct their law enforcement missions, that justifies the use of the military or federalized National Guard troops for this mission.

213. Mr. Ditlevson and Mr. Young, please provide to me and this Committee any memoranda produced by the Office of the Secretary of Defense for Policy discussing the reasoning for deploying the National Guard or any active-duty military personnel in Illinois.
   A. Mr. Ditlevson
   B. Mr. Young

214. Mr. Ditlevson and Mr. Young, please provide all formal or informal communications—including emails, texts, chats, memoranda or other documents—that you were involved in that discuss plans to deploy National Guard or Active Duty military personnel in Illinois.

A. Mr. Ditlevson
B. Mr. Young

215. Mr. Ditlevson, what was the date that consideration of deploying the National Guard or any Active Duty military personnel in Illinois began in the Office of the Secretary of Defense for Policy?

216. Mr. Ditlevson, which officials within the Office of the Secretary of Defense for Policy have been lead decision-makers in the planning of deploying the National Guard or any Active Duty military personnel in Illinois, including their office and title?

217. Mr. Ditlevson, have you done or are aware of any analysis within DOD on the comparative financial cost of using military or DOD resources, platforms or personnel as opposed to using resources, platform or personnel operated by Federal, State or local law enforcement agencies to conduct missions under the guise of "protecting law and order"?

Mr. Ditlevson and Mr. Young, what recommendations did you provide prior to decision and guidance did you issue after decision regarding guardrails on behavior of domestically deployed National Guard or active-duty military personnel in Illinois, including expected activities, use of force limitations, standing rules of force and engagement, de-escalation and communication engagement techniques, laws and procedures related to privacy and surveillance, and cooperation with local law enforcement?
A. Mr. Ditlevson
B. Mr. Young

218. Mr. Ditlevson and Mr. Young, what recommendations did you provide prior to decision and guidance did you issue after decision regarding guardrails on behavior of domestically deployed National Guard or active-duty military personnel in California, including expected activities, use of force limitations, standing rules of force and engagement, de-escalation and communication engagement techniques, laws and procedures related to privacy and surveillance, and cooperation with local law enforcement?
A. Mr. Ditlevson
B. Mr. Young

219. Mr. Ditlevson and Mr. Young, what recommendations did you provide prior to decision and guidance did you issue after decision regarding guardrails on behavior of domestically deployed National Guard or Active Duty military personnel in the District of Columbia, including expected activities, use of force limitations, standing rules of force and engagement, de-escalation and communication engagement techniques, laws and procedures related to privacy and surveillance, and cooperation with local law enforcement?
A. Mr. Ditlevson
B. Mr. Young

220. Mr. Ditlevson and Mr. Young, what recommendations did you provide prior to decision and guidance did you issue after decision regarding guardrails on behavior of domestically deployed National Guard or Active Duty military personnel in Oregon, including expected activities, use of force limitations, standing rules of force and engagement, de-escalation and communication engagement techniques, laws and procedures related to privacy and surveillance, and cooperation with local law enforcement?
A. Mr. Ditlevson
B. Mr. Young

221. Mr. Young, please provide the specific statute, regulation, or legal precedent that prohibits you from sharing any legal advice or opinions you provided regarding domestic military deployments to the Senate Committee on Armed Services? Additionally, can you clarify whether this restriction applies to the existence of such advice, or only to its content?

222. Mr. Ditlevson, prior to decision, what advice did you provide to the Secretary of Defense or Under Secretary of Defense for Policy or interagency or White House counterparts regarding the decision to deploy the National Guard or active-duty military personnel in Illinois, Oregon, California and District of Columbia?

223. Mr. Ditlevson, prior to decision, what advice did you provide to the Secretary of Defense or Under Secretary of Defense for Policy or interagency or White House counterparts regarding the decision to deploy out-of-state National Guard personnel in Illinois and Oregon?

224. Mr. Ditelvson, please provide the number of DOD civilians who have been detailed out of the Department of Defense (out of the total eligible employees) to support the Department of Homeland Security, as per the Secretary of Defense's memo dated 1 June. Please provide any other details analyzing progress toward implementing the Secretary's directive.

225. Mr. Ditlevson and Mr. Young, please provide the number of personnel—career civil servants, contractors and military officers—who were in your respective offices on January 20, 2025 and the number who have left your respective offices since January 20, 2025 and the reasons for their departure.
   A. Mr. Ditlevson
   B. Mr. Young

National Guard Response Force and Quick Reaction Force

226. Mr. Ditlevson, please provide which specific pre-existing capabilities and units that have been repurposed to construct the National Guard Response Forces and Quick Reaction Forces. For the units that previously existed, please provide their previous authorities, missions, force composition and force structure, and detail the directed changes to these units to implement the September 24, 2025 memorandum.

227. Mr. Ditlevson, please describe the specific missions for the National Guard Response Forces and Quick Reaction Forces, as directed in a September 24, 2025 memorandum.

228. Mr. Ditlevson, what discussions or planning has been done within the Department of Defense for the intended use of the National Guard Response Force or Quick Reaction Forces, as directed in a September 24, 2025 memorandum?

DOD support for DHS on Military Installations

229. Mr. Ditlevson, have any discussions occurred within Department of Defense regarding expanding the use of military installations to support DHS operations within U.S. territory? Please include details of what military installations have been floated as options and the purposes considered for their use.

230. Mr. Ditlevson, prior to decision, what advice did you provide to the Secretary of Defense or Under Secretary of Defense for Policy or interagency or White House counterparts regarding decisions to use military installations to support DHS operations?

231. Mr. Ditlevson, please confirm that there are no resources currently allocated to or personnel stationed at NSGL that have been or will be redirected to support DHS's activities?

232. Mr. Ditlevson, for military installations with a DHS official presence on base, are you aware of any guidance about requiring or preventing storage of DHS-managed lethal munitions on base?

233. Mr. Ditlevson, have there been any discussions about detaining individuals on military installations anywhere in U.S. territory? If so, please provide which military installations have been considered, procedures for ensuring lawful military activities and guidance issued regarding Constitutional and legal rights for individuals.

234. Mr. Ditlevson, please confirm that no individuals apprehended by DHS or other Federal agents have been or will be detained on a military installation within U.S. territory.

235. Mr. Ditelvson, please confirm that no military personnel have been or will be asked to assist DHS in any way related to arresting, detaining, or engaging in federal law and immigration enforcement against individuals?

236. Mr. Ditlevson, please provide any records of any guidance DOD has provided to servicemembers assigned to military installations supporting DHS regarding appropriate interactions with DHS personnel and Federal agents?

237. Mr. Ditlevson, what guidance has the Department issued about how installations should communicate with local community or local government about that installation's support to federal law enforcement, including the presence of federal law enforcement agents or federalized troops under federal protection mission on base?

Department of Defense's Shift Towards Domestic Priorities

238. Mr. Ditlevson, do you agree with the reported shift in the National Defense Strategy that places domestic military missions above deterring adversaries like China and Russia?

239. General Guillot, what (if any) planned NORTHCOM activities—including training, exercises, planning, and other mission execution--for FY25, FY26 and beyond have had to change or be delayed due to the operational requirement for command of title 10 forces for the federal protection mission? Please share any risk or readiness impact assessment your command has produced.

240. Mr. Ditlevson, are you collecting any data (or have you issued any guidance to any component of the Department of Defense to collect data) about how current domestic military operations and increasing dedication of Department of Defense assets and facilities to support DHS are impacting the Total Force's readiness to support one or more potential contingencies? If so, please share that data.

Senator Kelly

Operations in US Cities

241. General Guillot, for what operations in U.S. cities have you received an official request to prepare? Provide a comprehensive list of any operation that would potentially place servicemembers in a position to operate in public areas or to interact with civilians.

Consultation with JAGs

242. General Guillot, are all commanders under your command encouraged to seek the opinion and legal advice of their judge advocates in all matters where legal considerations bear on their decisions or actions?

243. General Guillot, do you encourage all commanders to ensure that all military operations comply with U.S. and international law? If so, please provide clear and comprehensive information on the manner and cadence at which commanders are encouraged to seek legal advice on all matters.

244. General Guillot, are there sufficient qualified legal advisors ready and available to provide legal advice to all military commanders?

245. General Guillot, will you support and defend any commander who, after consulting a judge advocate, decides to hold military members accountable under the Uniform Code of Military Justice for actions that violate the law of war or other U.S. law?