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BEFORE THE 119<sup>th</sup> CONGRESS SENATE  
ARMED SERVICES COMMITTEE  
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Chairman Wicker, Ranking Member Reed, and Distinguished Members of the Committee, thank you for the opportunity to submit this statement for the record regarding the critical role of the National Guard in providing support to civilian law enforcement agencies. As the Principal Deputy Assistant Secretary of War for Homeland Defense and Americas' Security Affairs, Principal Deputy General Counsel, and Commander of U.S. Northern Command (USNORTHCOM), we are honored to represent the Department of War (DoW) and to reaffirm the Department's unwavering commitment to both our nation's security and the foundational principles of our democracy. The National Guard is primarily utilized 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 harmed. This includes deployments to respond to both natural disasters, domestic emergencies such as the COVID-19 pandemic, and large-scale civil unrest.

Unfortunately, the President and his Administration inherited a troubling state of lawlessness at home and are fully committed to ensuring the American people are safe and secure. The Department of War remains fully committed to supporting our Federal, State, and local partners while following the President's directives. This is a role we assume with the utmost seriousness, governed by a strict legal framework designed to protect the liberties of the American people. Every single day we work in lock step with our partners to ensure we are doing everything we can to make America strong and safe.

The National Guard is a crucial component of this effort, responding to a wide variety of domestic challenges, which include protecting Federal missions, facilities, and personnel; supporting law enforcement; and leading disaster relief efforts. The National Guard is uniquely situated for such missions. National Guard personnel are uniquely situated due to their training and experience to deescalate tensions and control crowds. Most often, they are members of the local community where they are deployed, which provides useful information for them in executing their mission. They

generally have a calming presence and have extensive experience with responding to and managing civil unrest through their training, knowledge of the terrain, and prior deployments. Indeed, there has been a reduction in criminal activity where they have been deployed to ensure that Federal officers may enforce the laws without impediment.

Congress has bestowed upon the President a number of measures that can be taken to ensure the lawful completion of Federal missions and the ability to ensure that law and order is maintained throughout the United States. These authorities include several applicable to the National Guard, which given its hybrid nature, can provide emergency response capabilities for both Federal and State purposes.

When serving under the command and control of a state's governor, which can include operating under title 32 of the U.S. code with Federal funding or State active duty under State law with State funding, the National Guard is not constrained by the Posse Comitatus Act. This allows governors to use the Guard to support law enforcement agencies in a wide variety of situations. Conversely, when federalized by the President under title 10, National Guard members become part of the Federal military force and generally are subject to the same restrictions as other active-duty personnel.

Confronted with an intolerable risk of harm to Federal agents and coordinated, violent opposition to the enforcement of Federal law, the President invoked power delegated to his office by Congress to utilize the National Guard to safeguard Federal personnel, property, and functions on June 7, 2025. Since that time, the National Guard has been mobilized in California, Illinois, and Oregon under title 10 authorities. In addition, National Guard personnel in a title 32 duty status are supporting Federal law enforcement in Tennessee; restoring law and order in Washington D.C.; and protecting Federal property, including Immigration and Customs Enforcement (ICE) processing facilities. Other National Guard forces are operating under State active duty, for example, in Texas performing

border security missions under Operation Lone Star.

We are dedicated to ensuring that all National Guard personnel are properly trained and equipped for their assigned missions. Our training emphasizes de-escalation techniques, a profound respect for civil liberties, and strict adherence to the standing rules for the use of force. We continue to work in close coordination with State governments and other Federal agencies to ensure a unified and effective response to any domestic challenge.

The Department evaluates every request for assistance from a civilian law enforcement agency through a rigorous and multi-layered review process. Our legal, military and policy experts meticulously assess whether the request complies with all relevant statutes, including the Posse Comitatus Act, as well as the Department's own internal directives. Our guiding principles are to act only when there is a clear legal basis, when the requested support is essential, and when it can be provided without compromising our primary national defense mission.

The Department of War stands firm in its commitment to the rule of law and the principle of civilian control of the military. We are dedicated to maintaining the trust of both Congress and the American people. Our actions in the homeland will always be guided by the Constitution and the laws enacted by Congress. We continually assess the effectiveness of our policies and procedures and stand ready to make adjustments to ensure the National Guard is used appropriately and effectively to support the security and well-being of the American people.

We strive to maintain a careful balance between readiness for both domestic and overseas missions, adapting our training and resourcing to meet the evolving needs of the nation. I appreciate the hard work of our Service members to the protection of our Nation and of the rule of law. Thank you for your attention to this important matter.