

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.

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1 TO RECEIVE TESTIMONY ON THE ADMINISTRATION'S DEPLOYMENT OF
2 THE NATIONAL GUARD ACROSS THE UNITED STATES
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6 U.S. Senate
7 Committee on Armed Services,
8 Washington, D.C.
9

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

13 Committee Members Present: Senators Wicker
14 [presiding], Fischer, Cotton, Rounds, Ernst, Sullivan,
15 Cramer, Scott, Mullin, Budd [presiding], Schmitt, Sheehy,
16 Reed, Shaheen, Blumenthal, Hirono, Kaine, King, Warren,
17 Peters, Duckworth, Rosen, Kelly, and Slotkin.
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1 OPENING STATEMENT OF HON. ROGER WICKER, U.S. SENATOR
2 FROM MISSISSIPPI

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

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

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

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

25 The statistics are clear, public safety is at risk in



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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

25 Similarly, another Trump appointed Federal judge, this



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

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

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

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

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



1 resources on open-ended, unjustified missions.

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

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

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

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



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

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

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

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



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

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

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

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

25 The Department of War, and specifically the National



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

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

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

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



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

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

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

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

23 [The prepared statement of Mr. Ditlevson follows:]
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1 The Chairman: Thank you, Mr. Ditlevson. Mr. Young,
2 you are recognized for your opening statement.

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

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

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

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

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



1 Supreme Court precedent and longstanding Department of
2 Justice legal opinions.

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

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

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

20 [The prepared statement of Mr. Young follows:]
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1 The Chairman: Well, thank you very, very much. And
2 now, General Guillot, you are welcomed here and recognized
3 for your opening statement.

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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



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

4 [The prepared statement of General Guillot follows:]

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

25 And in addition to that, the Secretary of Defense has



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

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

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

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

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

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

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

23 Mr. Ditlevson: That is correct.

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



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

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

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

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

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



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

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

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

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

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

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



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

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

7 General Guillot: I was, sir.

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

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

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

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

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



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

2 Thank you.

3 The Chairman: Senator Cotton.

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

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

9 Senator Cotton: Never once in your entire career.

10 General Guillot: I have never.

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

13 General Guillot: Yes, sir, I have.

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

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

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



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

3 Mr. Young: Most certainly, Senator.

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

8 Mr. Young: Yes, Senator.

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

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

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

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



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

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

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

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

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

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

22 Senator Cotton: I thought you might say that.

23 Mr. Young: Yes, sir.

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



1 mobilized the National Guard specifically to obstruct an
2 order to desegregate Little Rock Central High School in
3 1957, which then forced President Eisenhower to immediately
4 Federalize the Guard to ensure those students could
5 actually go to school in accordance with that order.

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

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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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

15 Senator Hirono: He said it to Secretary Esper.

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

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

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

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



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

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

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

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

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

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

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

25 The Chairman: Thank you --



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

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

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

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

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

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



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

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

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

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

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

25 The founding fathers wanted to resort to utilizing the



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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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

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

25 General Guillot: Senator, those that are deployed in



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

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

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

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

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

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

25 Senator Kaine: Thank you.



1 The Chairman: Senator Scott.

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

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

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

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



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

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

10 Senator Scott: Mr. Young.

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

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

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



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

3 Senator Scott: Mr. Ditlevson.

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



1 collectors.

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

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

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

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



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

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

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

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

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



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

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

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

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

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

19 Senator King: Thank you, Mr. Chairman.

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

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



1 Senator King: By the way, Counselor, the organization
2 that you work for is the Department of Defense, 10 U.S.C.
3 111A. Thank you.

4 Mr. Young: Thank you, Senator.

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

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

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

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

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

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



1 judgment that called one of the deployments illegal.

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

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

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

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

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



1 Roybal Federal Building as well.

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

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

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

16 General Guillot: It is. Yes, sir.

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

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



1 First Responders and more.

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

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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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

22 Mr. Young: But by whom, Senator?

23 Senator Warren: By you.

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

25 Senator Warren: Mr. Young, there were disturbing



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

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

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

18 Mr. Young: That is not what I said.

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

21 Mr. Young: I did not say that.

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



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

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

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

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



1 Thank you.

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

7 Senator Budd: The Senator's time has expired.

8 Senator Warren: Thank you, Mr. Chairman.

9 Senator Budd: Senator Sullivan, you are recognized.

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

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

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



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

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

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

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

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



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

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

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

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

14 Senator Sullivan: Decades, right?

15 Mr. Young: That is right.

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

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

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

21 Mr. Young: Yes, sir.

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

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



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

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

7 Mr. Young: It is, yes, sir.

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

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

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

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

25 Senator Sullivan: Indispensable, aren't they?



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

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

9 General Guillot: From ICBM attack. Yes, sir.

10 Senator Sullivan: Correct. Is a National Guardian
11 unit.

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

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

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



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

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

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

14 In the case that you just mentioned, I think that the
15 response by the Alaska National Guard was phenomenal, and
16 they did not require any Federal assistance. But through
17 NORTHCOM, we contact your TAG and TAGs all across the
18 country to make sure they know that we are ready with Title
19 10 assistance if needed.

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

22 Senator Budd: Senator Peters, you are recognized.

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



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

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

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

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



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

10
11 So, Mr. Ditlevson, given these numbers, would you
12 agree that spending these funds on career law enforcement
13 officers would be much more effective use of taxpayer money
14 than a temporary employment of National Guard folks?

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

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



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

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

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

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

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

25 In response to written questions from my staff, the



1 D.C. National Guard confirmed that 38 of their service
2 members, who are Metropolitan Police Department officers,
3 10 of them were called up for -- or I should say, 38 of
4 them are service members, 10 of them are supporting D.C.
5 State beautiful task force and are not serving their day
6 jobs as police officers.

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

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

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

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



1 only helps our National Guard.

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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

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

25 It is not ICE agents that are being attacked. ICE



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

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

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

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



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

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

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

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

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

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

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

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



1 the representation.

2 Senator Duckworth: What will the Department of
3 Defense do?

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

7 Senator Duckworth: So you are not committing?

8 Mr. Young: I am sorry?

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

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

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

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



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

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

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

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

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



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

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

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

14 Senator Budd: Thank you, Senator.

15 Senator Duckworth: I yield back.

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

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



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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

14 General Guillot: No, Senator, there is not.

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

18 General Guillot: No, Senator.

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

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

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



1 General Guillot: No, sir, not training.

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

4 General Guillot: No, sir.

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

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

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

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

25 Senator Kelly: So what do you think the President



1 meant by that statement?

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

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

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

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

19 General Guillot: No, sir.

20 Senator Kelly: Well, thank you.

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

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



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

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

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

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

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

21 Mr. Young: Senator, that is theoretically possible.

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



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

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

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

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

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

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



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

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

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

15 Mr. Young: Senator, again, that is a hypothetical
16 situation. There are Federal laws that prohibit the
17 stationing of troops at polling places. However, right,
18 the question would be whether or not the degree to which
19 that would apply in a non-Federalized status under Title
20 32, and it would depend on the status of the personnel and
21 the mission parameters that are being --

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



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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

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

19 General Guillot: No, ma'am.

20 Senator Rosen: No backfield support?

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



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

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

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

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

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



1 division of mission responsibilities between DOD and ICE?

2 Thank you.

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

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

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

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

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



1 this year.

2 Not only that, he ordered that they be trained for
3 specifically "civil disturbance and law enforcement
4 missions, and to be available for immediate nationwide
5 deployment, ready to deploy within 8 hours, 12 hours, and
6 24 hours' notice with weapons." Can you clarify your
7 earlier answer?

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

25 General Guillot: They would be under the State



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

2 Senator Reed: Title 32. So you would have to have
3 the permission of the State governor to deploy these quick
4 reaction forces in a law enforcement capacity under Title
5 32?

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

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

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

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

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



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

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

9 Senator Reed: And that was for law enforcement?

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

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

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

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

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



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

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

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

10 Senator Reed: Thank you, Mr. Chairman.

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

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

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



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

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

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

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

21 Senator Duckworth: Can you let him answer?

22 Senator Budd: -- answer, please.

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



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

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

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

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

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

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

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

