

Congress of the United States

Washington, DC 20515

October 15, 2025

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Trump,

We write to express our opposition to your Administration's decision to federalize and deploy state national guards, including 300 troops from the California National Guard. We firmly believe that the deployments are against the law and the spirit of our constitution. The wresting of control from governors and deployment of troops to address issues reserved for civilian law enforcement inflames tensions, erodes civilian trust in the military, and is against our nation's principles set forth by our founding fathers.

Having endured British occupations during the American Revolution, the authors of our nation's constitution were deeply uneasy about soldiers policing Americans on U.S. soil. That sentiment is the basis for Section 12406 of Title 10 of the U.S. Code which clearly outlines the circumstances under which national guard troops can be federalized.¹ Those circumstances are met only when there is a threat of an invasion by a foreign nation, a rebellion against the Government of the United States, or if the President is unable to execute the laws of the United States using conventional forces.²

The facts surrounding the recent deployments of the National Guard to certain cities fail to meet the criteria outlined by Title 10. Protests, criminal disturbances, and peaceful expressions of free speech do not constitute rebellions or unlawful obstructions against a federal authority. Federal judges have affirmed this in multiple cases. On October 9th, a federal judge temporarily blocked the administration from deploying National Guard units in Illinois, citing unreliable evidence of a rebellion³ and, earlier this month, a federal judge that you appointed ruled that the deployment of National Guard troops into Portland failed to satisfy the legal basis to federalize the state's National Guard troops.⁴

In addition, state and local officials from Los Angeles, Chicago, and Portland have made it clear to your Administration that their local and federal law enforcement agencies are capable of enforcing the laws of the United States without the National Guard. Your deployment of federal troops to American cities without state approval defies legal precedent and, as California has argued,⁵ violates Title 10, which requires that the Governor consent to federalizing the National Guard. Further, the Constitution grants states sovereign rights to refuse troop movement in and out of their states. Deploying the National Guard against the will of state

¹ 10 U.S.C. § 12406 (2025). U.S. House of Representatives, Office of the Law Revision Counsel. Retrieved from <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title10-section12406&num=0&edition=prelim>

² United States Code, Title 10, Section 12406 — *National Guard in Federal Service: Call*, U.S. Government Publishing Office (GPO)

³ "Governor Newsom suing President Trump and Department of Defense for illegal takeover of CalGuard unit," Governor Gavin Newsom, 9 June 2025. <https://www.gov.ca.gov/2025/06/09/governor-newsom-suing-president-trump-and-department-of-defense-for-illegal-takeover-of-calguard-unit/>

⁴ Kyle Cheney and Josh Gerstein, "Judge blocks Trump's National Guard deployment in Portland for second time," Politico. 5 October 2025.

⁵ "Governor Newsom suing President Trump and Department of Defense for illegal takeover of CalGuard unit," Governor Gavin Newsom, 9 June 2025.

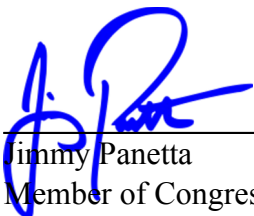
governments threatens the Tenth Amendment and state sovereignty, setting a dangerous precedent of federal government overreach.

The deployments of the national guard also risk violating the Posse Comitatus Act, which applies to the National Guard when acting under its Title 10 authorities.⁶ The act, passed in 1878, bars soldiers from carrying out direct police work and makes the use of military force against civilians, except in very limited circumstances, a criminal offense.⁷ On September 2nd, 2025, a federal court ruled⁸ that the deployment and use of the national guard to Los Angeles violated the Posse Comitatus Act. As such, we believe that the deployments of the National Guard lack clear legal basis and, without the invocation of the Insurrection Act, are in violation of the laws set in place by Congress.

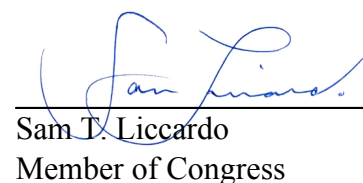
The use of the National Guard as a show of force without legal justification puts our service members in a compromising position as they navigate conflicting legal and ethical obligations while potentially facing criminal liability for actions taken under federal orders. Such deployments undermine the morale of our troops and erode public confidence in the role of the National Guard as a state-led force trusted by communities, placing service members in situations where they may be perceived as adversaries rather than protectors. For example, the deployment of the National Guard to Washington, D.C. led citizens of the city to believe that the troops were “leveraging fear,” becoming a “wedge between citizens and the military,” and promoting a sense of “shame” among some troops and veterans.⁹ Those types of sentiments can not only destroy morale of the troops but also make it more difficult for the military to recruit and maintain the support of the American public. The unjustified deployments of the National Guard alienate communities, erode the trust by the public towards our service members, and will create long-term damage to the reputation of our military as a protector of democratic values.

We ask you to immediately rescind orders to federalize State National Guards, restore the authority to their respective governors, and refrain from invoking the Insurrection Act in circumstances that do not meet its strict legal threshold. The strength of our democracy lies in its adherence to constitutional principles and the separation of powers. We urge you to uphold and prioritize the trust and safety of the American people over actions that threaten to undermine the values and principles of our founding fathers.

Sincerely,



Jimmy Panetta
Member of Congress



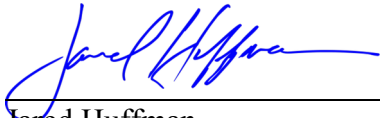
Sam T. Liccardo
Member of Congress

⁶ 18 U.S.C. § 1385, Posse Comitatus Act (U.S. Code, Office of the Law Revision Counsel, 2024); see also U.S. Department of Defense Directive 3025.18, Defense Support of Civil Authorities (2023)

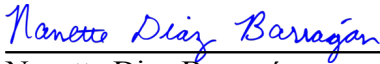
⁷ 18 U.S.C. § 1385, Posse Comitatus Act (originally enacted in 1878), U.S. Code, Office of the Law Revision Counsel (2024)

⁸ Joseph Nunn, “Court Finds Trump’s Use of Soldiers in Los Angeles Is Illegal,” Brennan Center. 5 September 2025

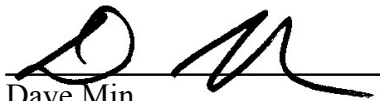
⁹ Horton, A. (2025, September 10). *National Guard documents show public ‘fear,’ veterans’ ‘shame’ over D.C. presence.* *The Washington Post*. <https://www.washingtonpost.com/national-security/2025/09/10/national-guard-trump-dc/>



Jared Huffman
Member of Congress



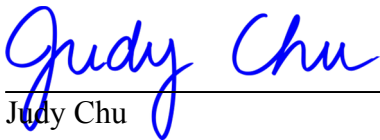
Nanette Diaz Barragán
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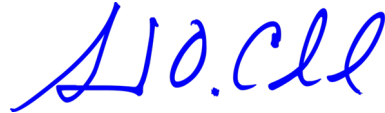
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Lateefah Simon
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Zoe Lofgren
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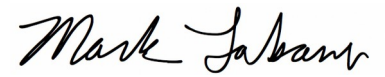
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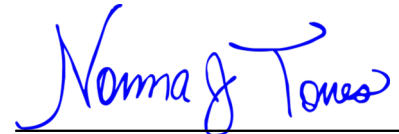
Ted Lieu
Member of Congress



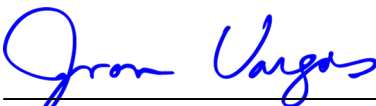
Mike Thompson
Member of Congress



Eric Swalwell
Member of Congress



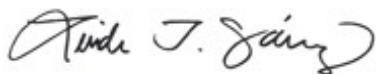
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Juan Vargas
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Linda T. Sánchez
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Sara Jacobs
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