

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

September 3, 2025

The Honorable Charles E. Grassley
Chairman
U.S. Senate Committee on the Judiciary
135 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Grassley:

I request that you immediately convene a Judiciary Committee hearing on President Trump's threats to deploy the military to Chicago and other American cities.¹ Reports indicate that the Pentagon has been planning this dangerous, unwarranted, and unconstitutional military deployment at Trump's direction "for weeks."² These threats come as the Administration has already deployed American troops unlawfully and unnecessarily against their fellow Americans in Los Angeles and Washington, DC.

Domestic deployment of the military into American communities raises serious issues within the jurisdiction of the Judiciary Committee that warrant an immediate hearing. The founders of this nation understood that an unchecked military turned inward on its own people is a grave threat to ordered liberty. These liberties include the rights of speech and assembly safeguarded by the First Amendment and the protection against unreasonable searches and seizures secured by the Fourth Amendment.

To protect against threats to these liberties posed by the improper use of the military in domestic affairs, our founders included two core principles within the structure of our government. These are the principles of federalism, enshrined in the Tenth Amendment, and civilian control over the military, with a clear dividing line between military operations and civilian law enforcement, a principle that is enshrined in the Constitution and is also codified in the Posse Comitatus Act.³

Under the principle of federalism, the power of the federal government is limited to specific, enumerated powers, while the remainder of government power is reserved to the states.⁴ This tenet is an essential aspect of the system of checks and balances designed by the founders of our democracy. Under this system, the general police power to protect the health, safety, and welfare of their residents resides with the states. Accordingly, the primary responsibility and authority to maintain public order in the event of criminal activity, civil disturbances, disorder, or unrest lies with state and local officials, not the federal government. The recent threats by the President to send troops or federal officers into American cities to address local crime or other issues within state control over the objection of state officials imperil this foundational principle and the rights of all states.

¹ Dan Lamothe, *Pentagon Plans Military Deployment in Chicago as Trump Eyes Crackdown*, WASH. POST (Aug. 23, 2025), <https://www.washingtonpost.com/national-security/2025/08/23/trump-chicago-military-national-guard/>.

² *Id.*

³ 18 U.S.C. § 1385.

⁴ U.S. Const. amend. X.

Similarly, under the principle codified in the Posse Comitatus Act, it is unlawful to use the Armed Forces, including state National Guard forces that have been federalized or called into federal service, for civilian law enforcement without express statutory or constitutional authorization.⁵ There are good reasons for the longstanding tradition in our country of drawing a strict line between military operations and civilian law enforcement absent extraordinary, emergency circumstances. Of particular relevance for this Committee is that the men and women serving in our Armed Forces are trained primarily for warfighting, not community policing and safeguarding civil liberties. Unlawfully and unnecessarily deploying troops to engage in law enforcement in local communities, instead of the duties they are trained for, undermines military readiness and endangers American communities.

The President's threats to unlawfully and unnecessarily deploy the military to police our communities is a grave threat to the very foundations of democracy and the rule of law in our country. As officials within the Department of Defense itself recently underscored, American military forces operating in U.S. communities can have "far-reaching social, political, and operational effects."⁶ These far-reaching implications for our democracy, our communities, and the rule of law require immediate consideration by this Committee.

Sincerely,



Richard J. Durbin
Ranking Member

⁵ Jennifer K. Elsea, The Posse Comitatus Act and Related Matters: The Use of the Military to Execute Civilian Law (CRS Report No. R42659) (2018), <https://www.congress.gov/crs-product/R42659>.

⁶ Tom Hals, *Military Feared Mistakes in LA Deployment Could Have 'Far-Reaching' Implications, Records Show*, REUTERS (Aug. 29, 2025), <https://www.reuters.com/world/us/military-feared-mistakes-la-deployment-could-have-far-reaching-implications-2025-08-29/>.