

No. 25A443

IN THE SUPREME COURT OF THE UNITED STATES

DONALD J. TRUMP, President of the United States, et al., *Applicants*,

v.

ILLINOIS, et al., *Respondents*.

On Application to Stay the Order Issued by the United States District Court for the
Northern District of Illinois and Request for an Immediate Administrative Stay

**BRIEF OF AMICI CURIAE
THE CHAMBERLAIN NETWORK AND MILITARY VETERANS
IN OPPOSITION TO STAY APPLICATION**

Brian A. Sutherland
Counsel of Record
Jocelyn Sperling
COMPLEX APPELLATE
LITIGATION GROUP LLP
96 Jessie Street
San Francisco, CA 94105
(415) 649-6700
brian.sutherland@calg.com
Counsel for Amici Curiae

TABLE OF CONTENTS

	Page
INTERESTS OF AMICI CURIAE	1
SUMMARY OF ARGUMENT	7
ARGUMENT	9
I. Unnecessary military deployments for domestic law enforcement harm servicemembers and the military.....	9
A. Deploying servicemembers to confront their fellow Americans absent a threat to the nation harms their morale and threatens recruitment and retention.	10
B. Deploying military force to serve domestic law enforcement priorities is politically polarizing and harms the military.	12
C. Unnecessary deployments of the military impose a substantial burden on servicemembers and affect military readiness.....	16
II. Granting the stay application would give the President nearly unlimited discretion to federalize and deploy National Guard members throughout the nation.....	18
CONCLUSION.....	19

TABLE OF AUTHORITIES

Statutes

10 U.S.C. § 12406.....	7, 9, 12, 18
------------------------	--------------

Other Authorities

Zoltan Barany, <i>Armies and Autocrats: Why Putin’s Military Failed</i> , 34 J. Democracy 80 (Jan. 2023)	14
Patty-Jane Geller, <i>Within Ranks, Trust in Our Military Declines Amid Politicization of National Defense</i> , Heritage Foundation (Feb. 8, 2023)	15
Samuel P. Huntington, <i>The Soldier and the State: The Theory and Politics of Civil Military Relations</i> (Belknap Press 1957)	15
Ken Klippenstein, <i>Exclusive: The US Military Is Monitoring Protests in 7 States</i> , Nation (May 30, 2020)	11
Victoria Mayo, Belfer Ctr. for Sci. & Int’l Affs., Harvard Kennedy Sch., <i>Preserving a Nonpartisan Military</i> (Natalia Angel ed., Apr. 22, 2022)	15
Charlsy Panzino, <i>Some Soldiers May Not Be Able to Handle New Pace of Training</i> , Guard Chief Says, Army Times (Mar. 13, 2018)	17
Sgt. Darron Salzer, <i>Post 9/11: This Isn’t Your Father’s National Guard</i> , Nat’l Guard Bureau (Sept. 9, 2010)	17
<i>Testimony of Retired Major General Randy Manner Before the Senate Judiciary Committee</i> (Dec. 10, 2024)	11, 17
USAFacts, <i>Where Are US Troops Stationed?</i> (June 23, 2025)	16

INTERESTS OF AMICI CURIAE¹

Amicus Curiae The Chamberlain Network is a network of thousands of veterans dedicated to combating polarization of the military. Individual amici are military veterans who are part of the network and served in the National Guard or Marine Corps or both.

Amici are concerned about the implications of a decision that would permit domestic deployments of military force that are not necessary to protect the United States and Americans. Such deployments are contrary to their values, training, understanding of our traditions, and desire to maintain a strong and nonpartisan military. With this brief, amici aim to assist the Court by explaining the consequences of a decision that would permit discretionary and unnecessary deployments of military force in American cities. The individual amici are:

Chris Purdy

Mr. Purdy is an Army National Guard veteran. He grew up in Rochester, New York. His father served in the Air Force. His grandfather served in the Army. After the terrorist attacks of 9/11 and the beginning of the war in Iraq, while he was in college, Mr. Purdy began to ask himself how he could give back. In 2004, he enlisted with the National Guard, a reserve component of the U.S. Army.

¹ No party or party's counsel authored this brief in whole or in part, and no person, other than amici curiae and their counsel, contributed funds intended to fund the preparing or submitting of this brief.

After his training, Mr. Purdy began the dual-hat life of the citizen-soldier, working as a special education teacher and as a member of the National Guard. When the governor called him into state service, he often responded to snow-related emergencies. In 2011, he deployed to Iraq, where he led a gun truck to escort convoys from southern to central Iraq. He was honorably discharged in 2012.

After returning from Iraq, Mr. Purdy began working with veterans to support international human rights. At home, he saw rising and alarming distrust in government and other institutions across the political spectrum. He wanted to preserve public trust in the military and founded the nonpartisan Chamberlain Network to organize veterans against politicization of the military. Mr. Purdy and his colleagues at The Chamberlain Network have spoken with thousands of veterans about their values and deep commitment to maintaining a nonpartisan and trusted military.

Marc Jaruzel

Mr. Jaruzel is a National Guard and Marine Corps Reserve veteran. He grew up on a farm in a small rural community in Michigan. While attending community college, he joined the Marine Corps Reserve. He was a field radio operator, assigned to an engineering unit that built bridges. After transferring to a university, he transferred his service to the Michigan National Guard. He then trained as a paralegal and in disaster relief, and mobilized for one year to assist with the

COVID-19 response. Mr. Jaruzel thereafter transferred to the D.C. National Guard. He spent ten years of combined service in the Reserve and the National Guard. He was honorably discharged in 2022.

Mr. Jaruzel was disturbed to hear about the Illinois deployment. He enlisted in the military to serve our country and protect it from foreign enemies. He imagined himself in the shoes of those who were deployed: while preparing to protect our country from enemies, they would be placed on American streets with war-fighting weapons. He would be horrified to be ordered to confront fellow Americans with weapons instead of helping or defending them.

Phil Klay

Mr. Klay is a Marine Corps veteran. He grew up in New York. While he was in college, the United States went to war in Iraq. His religion and upbringing commended service to country, especially when at war, so he served. After college, he became a public affairs officer.

Mr. Klay served his country in Iraq from January 2007 to February 2008. During his deployment, Mr. Klay saw that our country's mission to root out Al Qaeda and other enemies in Iraq could not succeed without working with the local communities and local leaders. Building a sustainable connection with local leaders enabled the military to bring a measure of stability to the region. After returning home, he was honorably discharged in 2009.

Mr. Klay is concerned that the President sent troops to Illinois over the objections and against the wishes of state and local leaders. The Illinois deployment puts servicemembers in an unbearably difficult situation, casting them as partisan actors in a dispute between a governor and president of opposing parties.

Alex McCoy

Mr. McCoy is a Marine Corps veteran. He grew up in a military family. His father served his career in the Navy. His grandfather and great-grandfather also served in the armed forces. He enlisted shortly after high school.

After training to provide embassy security, Mr. McCoy served his country for three years overseas, protecting embassy compounds in Saudi Arabia, Honduras, and Germany. During that time, his leaders emphasized that embassy security must calibrate the use of force carefully because a mistake could cause a diplomatic incident, with adverse consequences for U.S. foreign policy interests. Accordingly, he observed strict rules of engagement when interacting with foreign civilians around federal facilities. He was honorably discharged in 2013.

Based on his extensive training and experience, Mr. McCoy is concerned that servicemembers are not well positioned to protect federal facilities from civil threats if they lack sufficient and specific training for that mission. He is concerned that in a volatile situation, servicemembers may fall back on their combat training and mindset, with devastating consequences.

Isaac Tait

Mr. Tait is a Marine Corps veteran. He grew up in Forest Falls, California. His father and grandparents on both sides of his family served in the armed forces. He enlisted in the Marine Corps Reserve when he was seventeen years old, and became a light armored vehicle crewman.

Mr. Tait served our country in Iraq, starting in 2003, during the earliest ground incursions of that war. He suffered a traumatic head injury in Iraq and returned to the United States for medical care. After recovering from his serious injury, he deployed to Afghanistan in 2009. He was honorably discharged in 2010.

Mr. Tait never would have imagined that servicemembers might one day bear assault rifles in an American city. If he had received an order to face down his fellow Americans with a service-issued weapon, he would have been brokenhearted. He is concerned about how deployments in American cities will affect the next generation of recruits, who must be thinking: What will I be asked to do?

Mia Leigh Renna

Ms. Renna is a National Guard and active-duty Army veteran. She grew up in New Jersey, and, after graduating from high school in 2010, she enlisted in the National Guard. She attended college while also serving in an engineering battalion in the National Guard. After graduating with a degree in civil engineering in 2014,

she served as an active-duty engineering officer in the Army for four years. She was honorably discharged in 2019.

As a veteran of both the National Guard and active-duty components of the Army, Ms. Renna has seen firsthand how the chain-of-command structure for the National Guard is distinct and serves state interests domestically. She is concerned that when a president unnecessarily overrides the command structure and federalizes the National Guard to support federal officers in carrying out law enforcement activities, servicemembers may view the operation as a matter of partisan politics, not military necessity.

Keegan Evans

Mr. Evans is a Marine Corps veteran. His father and grandfathers were military officers. His family's service and military values of honor and service motivated him to become a pilot. After college, in 2002, he attended officer training in Quantico. He learned to fly helicopters and deployed three times to Iraq, where he flew casualty evacuation missions. After eight years of active-duty service, he served five years in the Marine Corps Reserve. He was honorably discharged in 2016.

Mr. Evans is concerned that deploying uniformed personnel in American cities will harm those who serve and the military itself. He emphasizes that combat training involves identifying and destroying enemies of the United States. He is

concerned that deploying servicemembers against Americans sends a wrong message to the country—that the President has identified enemies within and is sending troops to combat them.

SUMMARY OF ARGUMENT

The President asks this Court to stay the lower courts' rulings that, where disruptions at a federal facility were sporadic and quickly contained and federal officers were able to carry out their mission, the President has no authority under 10 U.S.C. § 12406 to call the National Guard into federal service. Appl. App. 76a, 100a. If this Court grants the stay, then there is little doubt that the President will continue to federalize and deploy National Guard troops, not only in Illinois, but throughout the nation.

A decision that permits unnecessary deployments of military force in American cities will result in a range of harms to servicemembers and the military. As amici explain, servicemembers join the military to serve their fellow Americans, not to police them. When called to military service as part of the federal armed forces, they expect to face an enemy of the United States, not to confront Americans who do not threaten the nation or constitutional order. Absent a crisis on the same level as a foreign invasion or a rebellion against the United States, ordering servicemembers to confront their fellow Americans as enemies puts them in an intolerable situation and creates the potential for tragic consequences. Many

servicemembers may choose to leave the service, and other Americans may decide not to serve at all, rather than face being placed in that position.

In addition, an unnecessary military deployment to support the President's law enforcement priorities creates the impression that the military serves him and not the country, violating the military's bedrock commitment to nonpartisanship. A departure from that commitment could result in a shift of the composition of the military toward those who support the President's political agenda, driving out those who do not share the agenda or who do not believe the military should be used to advance it. That could create barriers to military effectiveness in situations where the military is called upon to answer the commands of a president or governor of the opposite political party. It would also weaken the military more broadly, as one of its core strengths is its ability to draw on the full range of the nation's population to serve a common national purpose.

Finally, unnecessary federalization and domestic deployment of the military works significant hardship on servicemembers and their families. Members of the National Guard and active-duty armed forces enlist to serve their country and their communities. They are proud and honored to do this work, no matter the sacrifice it may require. At the same time, however, the U.S. military is currently stretched thin. That is particularly the case for National Guard members, who have increasingly been deployed overseas while also serving disaster-response roles at

home and acting as vital members of their communities when not called into service. Creating an additional, unnecessary burden on servicemembers compounds the readiness and morale problems that result from being asked to police fellow Americans to serve a particular president's domestic policy priorities.

ARGUMENT

Section 12406 authorizes the President to call National Guard members into federal service only under extreme circumstances that threaten the nation. The statute does not grant the President discretion to use servicemembers for domestic law enforcement purposes. Being forced to deploy against fellow Americans to serve the President's domestic policy agenda risks demoralizing servicemembers, which can harm recruitment and retention; results in the politicization of the military; and places significant burdens on servicemembers—all with potentially grave consequences for military readiness.

I. Unnecessary military deployments for domestic law enforcement harm servicemembers and the military.

The consequences of granting the President virtually unlimited discretion to use the military for domestic purposes would be profound. Domestic deployments to support law enforcement priorities pit soldiers against fellow Americans; are naturally associated with the leader who ordered them and his or her political party, not a national project to protect the United States; and impose a significant

burden on servicemembers. Such deployments harm servicemembers and the military.

A. Deploying servicemembers to confront their fellow Americans absent a threat to the nation harms their morale and threatens recruitment and retention.

One of the bedrock commitments of the military is nonpartisanship. The commitment begins with a motivation to serve the country and a common national identity. That commitment grows more resolute during training, which demands apolitical duty and inculcates the value of a nonpartisan military, and during service itself. The military trained amici that regardless of racial, political, or other differences between them and others, they were all brothers and sisters serving the country together. As one amicus related, it was through service that he met America. Working alongside people with radically different perspectives from every geography, they were bound together by a common purpose.

Servicemembers have faith that elected leaders will use servicemembers' lives well, in the service of their country. When a political leader takes servicemembers who signed up for public service and unnecessarily forces them into a project that pits them against fellow Americans, he or she violates that faith and undermines the core premise of national service. Servicemembers should not be asked to participate in domestic conflicts except in the most extreme circumstances.

If asked to deploy, though, the military's command structure and training require servicemembers to obey. Thus, if a commander orders servicemembers to deploy to an American city, they would be trained to believe that the reason is to fight an enemy. At the same time, servicemembers are motivated and trained to protect Americans. Deploying them against Americans creates a traumatic dissonance for those trained both to follow orders and serve their country.

Adding to that traumatic dissonance is the potential for violent confrontations with fellow citizens. National Guard members receive little training in quelling civil disturbances, and active-duty troops generally receive none.² Faced with violence by some protesters, a servicemember making split-second decisions may naturally fall back on his or her combat training. If servicemembers wield military force that is better suited to a battlefield than a city block, the bad outcomes are obvious, as the Kent State shootings of student protesters of fifty years ago reflect. The possibility that an interaction with civilians could take a tragic turn is a nightmare for servicemembers.³

² *Testimony of Retired Major General Randy Manner Before the Senate Judiciary Committee* 3-4 (Dec. 10, 2024), https://www.judiciary.senate.gov/imo/media/doc/2024-12-10_-_testimony_-_manner.pdf.

³ As one National Guard member told a reporter when faced with being deployed to suppress protests over the police killing of George Floyd, "We're a combat unit not trained for riot control or safely handling civilians in this context. Soldiers up and down the ranks are scared about hurting someone, and leaders are worried about soldiers' suffering liability." Ken Klippenstein, *Exclusive: The US Military Is Monitoring Protests in 7 States*, *Nation* (May 30, 2020), www.thenation.com/article/society/national-guard-defense-department-protests.

In amici's experience, servicemembers did not sign up for military service to turn their training as fighters against other Americans, and such deployments could profoundly affect their morale. Some may decide not to reenlist at the end of their service. There is a risk that members will choose to separate rather than continue under leadership that puts them at odds with their oath to serve the people and Constitution first, and not any political party or leader. Those considering joining the service may be dissuaded from doing so for the same reason. Using active-duty military and National Guard members unnecessarily for domestic law enforcement purposes thus threatens to diminish the number of people who are willing to serve, which would hamper combat readiness and undermine national security.

B. Deploying military force to serve domestic law enforcement priorities is politically polarizing and harms the military.

As Congress was no doubt aware when it enacted 10 U.S.C. § 12406, except in cases of invasion, rebellion, or exigency that renders the United States unable to execute its laws, deploying federalized troops on American soil to support law enforcement is dangerous and destabilizing. Among other risks, a domestic deployment at the pleasure of the President associates the military with his and his party's partisan objectives and may result in political polarization of the military, with multiple attendant harms.

Any domestic deployment to pursue a president's law enforcement priorities rather than to protect the nation runs this risk. But it is especially acute when, as here, the President has attacked opposition-party leaders for their alleged failure to govern Illinois and Chicago in the time leading up to the deployment. Appl. App. 45a-47a. In this case, the President sent troops to Illinois over the objections and against the wishes of state and local leaders of the other party, who were not acting in opposition to the United States, but were working to restore order and prevent violence. Appl. App. 38a-42a. Overriding state and local leaders with military force under those circumstances would transform troops into something much closer to a hostile occupying force than American troops ever should be on American soil. It also created the appearance, if not the reality, of a politically motivated deployment.

The President's order to federalize and deploy National Guard troops thus conscripted a nonpartisan institution into a partisan fight between the President, on the one hand, and the Governor and local officials, on the other. Appl. App. 45a-47a (quoting the President's attacks on Illinois leaders). Servicemembers must obey orders unless they are patently unlawful and cannot extricate themselves from this conflict, so they are forced into a partisan conflict against their will. If this is permitted to continue or recur, the result could be a politicized military that drives

out those with opposing views and leads to monolithic thinking, ultimately hampering military effectiveness.⁴

Here, for example, if National Guard members deployed to Illinois view themselves as part of the President's political agenda, those who disagree with that agenda—or with the idea of the military being used to serve any political agenda—may leave the service. Those who agree with the President's agenda and his use of the military to implement it may stay. The remaining unit may have difficulty carrying out the orders of a commander-in-chief of a *different* political party, whether he or she is the Illinois governor (in cases where the Illinois National Guard is called into State Active Duty status) or a successor president. This is why servicemembers take an oath to uphold the Constitution and defend the nation, and do not pledge loyalty to a political party or president.

More broadly, a military that is affiliated with one political party or leader and their objectives is inherently weaker than a nonpartisan military that unifies all Americans based on shared national interest. A military that is viewed as partisan attracts mainly partisans and mercenaries, whereas a nonpartisan

⁴ In Russia, for example, Vladimir Putin drove out independent voices in the military, creating blind spots, limiting the flow of information, and discouraging individual initiative. See Zoltan Barany, *Armies and Autocrats: Why Putin's Military Failed*, 34 J. Democracy 80 (Jan. 2023), <https://www.journalofdemocracy.org/articles/armies-and-autocrats-why-putins-military-failed>.

military can appeal to and inspire all citizens of this nation.⁵ This is why maintaining a nonpartisan military has traditionally been a great source of strength for the United States, as compared with countries in which the military does not reflect or represent all the people.⁶

The stakes are high. Deployment in American cities risks normalization of deviance, which occurs when someone makes a decision that is outside the previously acceptable range of conduct. If the deviance is not corrected, the standard of acceptable behavior could shift to include what was previously unacceptable: deploying armed forces against Americans. That normalization could happen here unless the deviation is stopped. What has been a sacred and foundational value—that our military is never used for partisan political purposes—could crumble.

⁵ Tellingly, one survey found that sixty-eight percent of active-duty personnel surveyed said that “increasing politicization of the military would influence whether they encourage their children to join.” Patty-Jane Geller, *Within Ranks, Trust in Our Military Declines Amid Politicization of National Defense*, Heritage Foundation (Feb. 8, 2023), <https://www.heritage.org/defense/commentary/within-ranks-trust-our-military-declines-amid-politicization-national-defense>.

⁶ See, e.g., Victoria Mayo, Belfer Ctr. for Sci. & Int’l Affs., Harvard Kennedy Sch., *Preserving a Nonpartisan Military* 2 (Natalia Angel ed., Apr. 22, 2022), www.belfercenter.org/publication/preserving-nonpartisan-military (quoting General George C. Marshall: “We [the Armed Forces] have a great asset and that is that our people, our countrymen, do not distrust us and do not fear us”); see also Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil Military Relations* 258-59 (Belknap Press 1957), <https://archive.org/details/samuelp.huntingtonthesoldierandthestatetheoryandpoliticsofcivilmilitaryrelationsbelknappress1957>.

C. Unnecessary deployments of the military impose a substantial burden on servicemembers and affect military readiness.

Servicemembers enlist in the National Guard and active-duty armed forces with the expectation that they will be required to make sacrifices to serve their country. They know that they may be asked to give their lives to keep their nation safe. They make these sacrifices willingly and with pride, knowing that their fellow Americans depend on them.

Despite this fact—indeed, precisely because of these sacrifices—it is wrong and dangerous to place unnecessary burdens on servicemembers that may harm their morale and readiness. Requiring servicemembers to deploy to serve the President’s law enforcement priorities creates such a burden.

Our nation’s military is stretched thin. Troops are currently stationed or deployed in more than 150 countries around the world, pursuing the military’s core mission of protecting the United States against threats posed by hostile foreign powers.⁷ National Guard servicemembers are particularly taxed. In their civilian lives, they perform vital roles in their communities as firefighters, paramedics, teachers, healthcare providers, and more. They spend a minimum of 39 days a year

⁷ USAFacts, *Where Are US Troops Stationed?* (June 23, 2025), <https://usafacts.org/articles/where-are-us-military-members-stationed-and-why>.

in military training,⁸ and they are regularly deployed within their States to respond to emergencies such as hurricanes and fires. Increasingly since 9/11, they have also been deployed alongside active-duty troops for overseas missions.⁹ As the former Vice Chief of the National Guard Bureau testified in December 2024, National Guard units “have virtually no time for additional missions or training.”¹⁰

The President’s domestic deployments place a significant burden on servicemembers and their families. Adding this burden, on top of the obligations soldiers face in the normal course of their service, threatens to exhaust troops who are already stretched thin and to deplete the most important resource the military has: the readiness of its servicemembers.

⁸ Charlsy Panzino, *Some Soldiers May Not Be Able to Handle New Pace of Training, Guard Chief Says*, Army Times (Mar. 13, 2018), <https://www.armytimes.com/news/your-army/2018/03/13/some-soldiers-may-not-be-able-to-handle-new-pace-of-training-guard-chief-says>.

⁹ Sgt. Darron Salzer, *Post 9/11: This Isn’t Your Father’s National Guard*, Nat’l Guard Bureau (Sept. 9, 2010), <https://www.nationalguard.mil/News/Article-View/Article/576443/post-911-this-isnt-your-fathers-national-guard>.

¹⁰ *Testimony of Retired Major General Randy Manner, supra* n.2, at 2.

II. Granting the stay application would give the President nearly unlimited discretion to federalize and deploy National Guard members throughout the nation.

If this Court defers to the President's interpretation of § 12406 and whether its conditions are met and grants his stay application, he will have extraordinary discretion to deploy troops for domestic law enforcement purposes. Congress did not give the President that discretionary power.

Under any standard of review, the President has no basis for invoking the law in response to sporadic, quickly contained, small-scale acts of violence that occur in a localized area over a short period of time, as the Seventh Circuit correctly held. Appl. App. 100a. Based on the district court's findings of fact, or even the undisputed facts of this litigation, the situation in Illinois came nowhere close to meeting the statutory precondition for federalizing the National Guard: an invasion, rebellion, or a disturbance so great that the United States is unable to exercise its authority and the rule of law itself is under threat.

The reality on the ground is this: the President is asking this Court to give him what amounts to a blank check, immediately, without merits briefing and in contravention of the findings and conclusions of two lower courts. Specifically, he asks for this Court's ruling that he may federalize and deploy troops in American cities any time protests involve any amount of violence directed at federal officers. This Court should decline that request because it is contrary to § 12406; if the Court

does not, this President and others who follow may be all too willing to use their newfound discretion, with dire consequences for servicemembers and the military.

CONCLUSION

The Court should deny the application for a stay.

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Respectfully submitted,

By: s/ Brian A. Sutherland

Brian A. Sutherland

Jocelyn Sperling

COMPLEX APPELLATE

LITIGATION GROUP LLP

96 Jessie Street

San Francisco, CA 94105

Telephone: (415) 649-6700

Attorneys for Amici Curiae

The Chamberlain Network and Military Veterans