

December 10, 2025

Re: Co-Sponsor S. 2198, Military in Law Enforcement Accountability Act

Dear Senator:

The American Civil Liberties Union urges you to co-sponsor S. 2198, the Military in Law Enforcement Accountability Act, introduced by Senator Duckworth. This bill reinforces a foundational principle of our constitutional system—that federal troops should not be turned against our communities as a domestic policing force. It reasserts Congress' critical role in decisions to deploy the military domestically. At a moment when the Trump administration is threatening to send troops into cities across the United States, this legislation is a vital limitation on the inappropriate and politicized use of the military on American soil.



**National Political
Advocacy Department**
915 15th Street, NW, 6th Floor
Washington, DC 20005-2112
aclu.org

Deirdre Schifeling
Chief Political &
Advocacy Officer

Anthony D. Romero
Executive Director

Deborah N. Archer
President

Since June, the Trump administration has repeatedly attempted to invoke authority pursuant to Title 10 of the U.S. Code to send National Guard troops under the president's command into cities across the United States. The administration's apparent agenda is to use the military as the president's personal police force—to consolidate power and repurpose the military for political purposes. There is grave risk that in the coming months, the administration may seek to deploy federal troops on an ongoing basis for direct policing activities the military is not trained to conduct. Indeed, as detailed below, the administration has already taken steps in this direction.

When our nation's Founders drafted the Constitution, they were concerned about constraining a rogue executive, preventing a standing (i.e. large and permanent) army, ensuring civilian government and an impartial military, and safeguarding our civil liberties. From then until now, we know that a core component of liberty and democracy is the strong presumption against military enforcement of civil law. But that core principle is at risk with the escalating and unnecessary attempted misuse of the military for domestic civilian policing. The administration's agenda to deploy the military in American cities puts our democracy at risk, jeopardizes the safety of our communities, and puts our servicemembers at risk of legal and ethical jeopardy.

This administration has already attempted to deploy federalized National Guard troops into cities like Los Angeles, Chicago, and Portland, using a range of pretextual justifications to put service members in our streets to police protests and provide support to immigration enforcement agents. In Los Angeles, these unnecessary operations created confusion and distrust in communities, tasked troops with operations they are not trained for, and blurred the lines between military and civilian policing. This bill is an important response to these unfolding dangers and would limit the use of the military for civilian law enforcement in the U.S. This bill would, first, amend Title 10 Chapter 15 on the

Secretary of Defense's authority to provide indirect support to civilian law enforcement, limiting that authority to specific enumerated scenarios such as natural disasters, public health emergencies, attacks on critical infrastructure, and nuclear attacks. The bill also requires congressional approval if these operations are extended beyond 30 days, reasserting Congress' vital role in checking executive overreach. This oversight is a necessary and welcome step to ensure that domestic operations using military staff and resources are lawful, limited in scope, and subject to congressional oversight.

The bill would also reinforce the separation between military and civilian agencies and improve accountability and public transparency by prohibiting individuals from simultaneously holding any position in the Department of Defense and a position within a civilian law enforcement entity (unless those individuals are members of the Reserves and National Guard and only hold law enforcement roles in their civilian capacities). This restriction is important to prevent the blurring of authorities and roles that can stymie accountability and put service members under conflicting demands and potential legal and ethical jeopardy.

Finally, the bill would extend the existing requirement that members of the Armed Forces or federal law enforcement visibly display their identifier and name of their organization to include all scenarios involving support to civil authorities. Over the last several months, communities have been terrorized by masked federal agents violently arresting people in our communities and forcing them into unmarked vehicles. Our community members should be able to know which agents are arresting our neighbors and under what authority; this transparency is important for the relationship between civilians and servicemembers and to support accountability for any abuses that occur during federal enforcement operations.

The ACLU endorses this bill as a critical safeguard to our democracy, our communities, and our service members—who took a solemn oath to defend the Constitution.

Please reach out to Sarah Mehta, ACLU Deputy Director of Immigration Policy, at smehta1@aclu.org, or myself should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Naureen Shah". The signature is written in a cursive, flowing style.

Naureen Shah
Director, Policy and Government Affairs, ACLU Equality Division