



JOHN GARAMENDI  
UNITED STATES CONGRESS

January 24<sup>th</sup>, 2025

Robert Salesses  
Secretary of Defense, Acting  
Office of the Secretary of Defense  
1000 Defense Pentagon  
Washington, DC 20301

Dear Acting Secretary Salesses,

I am writing to express my grave concern about actions undertaken to use Department of Defense (DOD) assets to execute President Trump's recent executive orders. Your statement on January 22<sup>nd</sup> detailed that the DOD has begun diverting significant resources to our southern border.<sup>1</sup> The American people deserve answers about how the DOD has authorized these activities, how the DOD is respecting the laws and norms governing the appropriate use of military assets, and what impacts these diversions will have on our national readiness.

After the President's inauguration, the DOD appears to have rushed the process to provide additional military assets to our southern border. This decision was made despite the fact that the number of encounters at the border has been at its lowest point in years,<sup>2</sup> and that the Department of Homeland Security is responsible for border enforcement.

The DOD must clearly explain how these new forces will be used and the precautions being taken to ensure they do not violate protections ensuring that the military is not illegally used for domestic law enforcement. The use of military forces to conduct law enforcement activities in these circumstances would be a dangerous escalation and could constitute an inappropriate militarization of our civilian affairs.

In addition to long term repercussions, these decisions directly impact other crises facing our nation, including support for natural disaster responses. On January 10<sup>th</sup>, the Department designated 500 active-duty personnel at Camp Pendleton to support the response to the

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<sup>1</sup> U.S. Department of Defense, "Acting Secretary of Defense Robert Salesses Statement on DOD Actions Responding to Preside," U.S. Department of Defense, January 22, 2025, <https://www.defense.gov/News/Releases/Release/Article/4037500/acting-secretary-of-defense-robert-salesses-statement-on-dod-actions-responding/>.

<sup>2</sup> John Gramlich, "Migrant Encounters at U.S.-Mexico Border Have Fallen Sharply in 2024," Pew Research Center, October 1, 2024, <https://www.pewresearch.org/short-reads/2024/10/01/migrant-encounters-at-u-s-mexico-border-have-fallen-sharply-in-2024/>.

California fires.<sup>3</sup> More recently, the DOD diverted those 500 Marines and sailors to the southern border.<sup>4</sup> The Department must clearly articulate how it is balancing conflicting needs in making these decisions.

The DOD is also managing other challenges around the globe, and I have concerns about how it is prioritizing its assigned missions. For example, public reporting has stated that aircraft from Travis Air Force Base (Travis AFB) are being used to support deportations.<sup>5</sup> Travis AFB, a key Air Mobility Command unit known as the ‘Gateway of the Pacific,’ undertakes missions around the globe, supporting our forces and preparing for contingencies. I am deeply concerned about our mission readiness with the diversion of these critical assets, especially since the government has access to more appropriate aircraft for these missions.

Additionally, the Posse Comitatus Act prohibits using active-duty military personnel for domestic law enforcement functions. Specifically, 10 U.S.C. §275 explicitly prohibits the military’s direct participation in a search, seizure, arrest, or other similar activity.<sup>6</sup> Utilizing military aircraft operated by active-duty military members to deport civilians breaches this long-standing law.

Taken together, recent events have led me to view this letter as absolutely necessary to ensure that our armed forces are being appropriately employed and that current actions are being taken for valid military reasons, not political stunts.

In light of the Department’s rapid process and the concerning reports about how active-duty forces are being employed, I request your answers to the following questions:

1. What authority is the Department using to authorize the use of military aircraft to support deportation activities?
2. What military resources are being diverted to the southern border and what existing missions are currently impacted by this sudden shift?

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<sup>3</sup> U.S. Department of Defense, “U.S. Military Already Fighting Fires in California, Ready to Do More,” U.S. Department of Defense, January 15, 2025, <https://www.defense.gov/News/News-Stories/Article/Article/4026609/us-military-already-fighting-fires-in-california-ready-to-do-more/>.

<sup>4</sup> Lolita C Baldor, “Pentagon to Deploy 500 Locally Based I MEF Marines, Sailors to US-Mexico Border,” NBC 7 San Diego, January 23, 2025, <https://www.nbcsandiego.com/news/local/pentagon-to-deploy-500-locally-based-i-mef-marines-sailors-to-us-mexico-border/3732676/>.

<sup>5</sup> Stephen Groves, “Trump Suggests He’ll Use the Military on ‘the Enemy from Within’ the U.S. If He’s Reelected,” PBS News, October 13, 2024, <https://www.pbs.org/newshour/politics/trump-suggests-hell-use-the-military-on-the-enemy-from-within-the-u-s-if-hes-reelected>.

<sup>6</sup> Office of Legal Counsel, “Military Support for Customs and Border Protection along the Southern Border under the Posse Comitatus Act,” Justice.gov, January 20, 2021, <https://www.justice.gov/olc/opinion/military-support-customs-and-border-protection-along-southern-border-under-posse>.

3. Why has the Department leveraged military aircraft rather than contracted commercial companies?
4. How long will these military resources be diverted?
5. What funds have been authorized and appropriated to complete the construction of barriers along the southern border?
6. How is the Department ensuring that active-duty forces won't be used to unlawfully support law enforcement?

Enforcing our nation's immigration laws is an important task and one that requires the correct support, but applying military assets to law enforcement problems sets a dangerous precedent. We as a nation have put laws and norms in place to ensure that the use of the military is strictly limited to appropriate circumstances. The DOD must explain how they respected those safeguards when they rapidly diverted resources from other national security imperatives.

Given the time sensitive nature of these questions, I request your response as soon as possible and no later than January 31<sup>st</sup>.

Sincerely,

A handwritten signature in blue ink, reading "John Garamendi".

JOHN GARAMENDI  
Member of Congress