

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STATE OF ILLINOIS, a sovereign state;
CITY OF CHICAGO, an Illinois municipal
corporation,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States;
DEPARTMENT OF HOMELAND
SECURITY; KRISTI NOEM, in her official
capacity as Secretary of the Department of
Homeland Security; DEPARTMENT OF
DEFENSE; PETER B. HEGSETH, in his
official capacity as Secretary of the
Department of Defense; UNITED STATES
ARMY; DANIEL P. DRISCOLL, in his
official capacity as Secretary of the Army

Defendants.

Case No. 25-cv-12174

Judge Perry

**PLAINTIFFS' SUPPLEMENT IN FURTHER SUPPORT OF THEIR MOTION
FOR A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Introduction

Since Plaintiffs' Monday morning filings and the Court's initial hearing that afternoon, the Trump administration has continued its purposeful defiance of the lawful bounds of its power to create a federal military occupation of Illinois.¹ Indeed, in the past few days, the President has repeated his disdain for any guardrails on those powers. A few hours after the Monday hearing in

¹ As invited by the Court's Oct. 6 minute entry, ECF 6, Plaintiffs' herein present supplemental evidence to support the Plaintiffs' Motion. The evidence follows an accompanying index.

this case, Trump issued *an after-the-fact memorandum* invoking 10 U.S.C. § 12406 *to federalize National Guard troops that Secretary Hegseth had already deployed into Illinois*. That same day, Trump’s Deputy Chief of Staff Stephen Miller asserted the authoritarian view that the President has “plenary authority”—sweeping and unlimited power—to federalize National Guard troops and dispatch them to American cities like Chicago. The next day, Trump told press in the Oval Office that he might just invoke the Insurrection Act to “get around” judicial orders blocking his unlawful troop deployments, like the one last weekend in Oregon. Then just yesterday, Trump himself posted on social media that the Governor of Illinois and Mayor of Chicago should be jailed.

These were not empty threats. They were made even as defendants dispatched a third state’s National Guard to Illinois in federalized status, this time from California, and without any new deployment order specific to Illinois. This lawless targeting by the President and his administration of people and places he does not favor will not stop without court intervention.

The Court can and should stop this authoritarian march. We remain a nation of laws, we have no king, and the President has no such “plenary authority” to federalize National Guard troops and deploy them into the streets of Illinois. The Court should enter a preliminary injunction against defendants’ federalization and deployment of any state’s National Guard, or deployment of U.S. military, into Illinois over the objection of its Governor.

Supplemental Evidence

1. Authentication of ICE’s Chicago Field Office Acting Director Hott’s “Kudos” Email to ISP, and Illinois National Guard Communication of Facts Regarding Deployment Activity

The supplemental declaration of Bria Scudder, Deputy Governor for public safety (Ex. 22, “Supp. Scudder”), puts in evidence facts about the public safety situation outside the United States Immigration and Customs Enforcement (ICE) facility in Broadview and the current deployment status of the National Guard in Illinois, including:

- a. The October 7, 2025 email from Acting Chicago Field Office Director Russell Hott to the ISP Major in charge of the state and local police joint unified command outside the ICE facility in Broadview, Illinois, in which the ICE Director gives “kudos” to the state and local law police, and states that DHS agents had not needed to interact with any protesters at all over this past weekend, October 4 and 5, because the state and local police were handling everything. Supp. Scudder ¶¶ 4-6.
 - b. Protests outside the facility in recent days have uniformly been small and resulted in one or zero arrests. Supp. Scudder ¶¶ 13-19.
 - c. National Guard troops with a sub-standard amount of crowd control training (for which the standard is five days between deployment and beginning their mission) are planned to be active in Broadview by the time the Court reads this submission. Supp. Scudder ¶¶ 8-11.
2. Chicago Police Superintendent Larry Snelling Sworn Statement Regarding CPD Response Policies and Recent Activities for Safety of Federal Agents

The declaration of Larry Snelling, Superintendent of the Chicago Police Department (Ex. 23, “Snelling Decl.”), puts into evidence facts regarding CPD’s assistance to federal agents who need police for their own safety and CPD’s assistance to federal agents following an incident where federal agents shot a civilian in Bright Park on October 4, 2025. The declaration shows:

- a. Federal agents deployed tear gas multiple times on October 4, 2025, at the Brighton Park scene, injuring 27 CPD officers who had responded to assist federal agents. Snelling Decl. ¶¶ 17, 19, 21.
- b. CPD responded with assistance to multiple events involving federal immigration agents that day, including:
 - Preserving an incident scene where a woman had been shot by ICE agents until CPD could turn the scene over to federal authorities (Snelling Decl. ¶¶ 10-13);
 - Documenting a vehicle collision involving federal agents (Snelling Decl. ¶ 14); and
 - Working to maintain order and public safety at a scene where a crowd of people was upset with federal agents, following the shooting of the civilian (Snelling Decl. ¶¶ 15-21).
- c. While CPD’s policy is not to participate in civil immigration enforcement, it is CPD’s policy and practice to respond and take appropriate police action when a public safety issue or violation of the Illinois Compiled Statutes or Municipal Code

of Chicago arises contemporaneously with a civil immigration enforcement operation. Snelling Decl. ¶¶ 6-9.

3. Relevant Statements by Trump and Administration Officials Since the Morning of October 6

The Supplemental Declaration of Sherief Gaber (Ex. 24, “Supp. Gaber”) compiles statements by Defendants, including officials who speak for defendant agencies, since Plaintiffs’ filing of this action on the morning of October 6, 2025, including President Donald Trump, Deputy White House Chief of Staff Stephen Miller, Attorney General Pamela Bondi, and FBI Director Kash Patel. This includes authentication of the following:

- a. The Presidential Memorandum invoking 10 U.S.C. § 12406 to federalize the Illinois National Guard, which was first published on the White House website at 4:53 p.m. CT on October 6, 2025 (also attached hereto as Exhibit 25).
- b. Trump administration statements confirming that the intended use of National Guard troops in Chicago is for law enforcement tasks, including crowd control and crime prevention.
- c. Trump’s threat to invoke the Insurrection Act to “get around” judicial decisions preventing him from unlawfully federalizing National Guard troops into American cities.
- d. Miller’s assertion that the President has “plenary authority” under Section 12406.

Application of Supplemental Evidence

I. The President’s *Post Hoc* October 6 Memo Is an Insufficient Basis for Federalizing the Illinois National Guard and Is Irrelevant to the Other Deployments

Shortly after Monday’s hearing, the White House issued a Presidential memorandum, titled “Department of War Security for the Protection of Federal Personnel and Property in Illinois” Ex 25, (Oct. 6 Memo); Ex. 24, Supp. Gaber ¶¶ 16-17 (showing Oct. 6 Memo was posted after the hearing). This transparent effort to clean up the record in support of the federalization of the Illinois National Guard does not legalize their actions. Astoundingly, it violates every claim at issue in

Plaintiffs’ motion for preliminary relief: it operated to violate Section 12406, the Tenth Amendment, and the Posse Comitatus Act.

The October 6 Memo asserts, without factual basis, that federal facilities in Illinois “have come under coordinated assault by violent groups intent on obstructing Federal law enforcement activities” and “have *sought to impede* the deportation and removal of criminal aliens through violent demonstrations, intimidation, and sabotage of Federal operations.” Ex. 25 (Oct 6 Memo) (emphasis added). It based “these activities *are similar to* other ongoing efforts in multiple States and cities around the country to disrupt the faithful enforcement of Federal law.” *Id.* (emphasis added). Referencing a purported “credible *threat* of continuing violence” in various states, the memo somehow reached the wholly unsupported conclusion that: “I have further determined that the regular forces of the United States are not sufficient to ensure the laws of the United States are faithfully executed, including in Chicago.” *Id.*

The memo then invokes Section 12406, without reference to subsection, stating Trump was calling into federal service *at least* 300 members of the Illinois National Guard “until the Governor of Illinois consents to a federally funded mobilization, under Title 32 of the United States Code, of the Illinois National Guard under State control.” *Id.* As for the mission being assigned, the memo stated the troops would be protecting ICE, and other federal personnel, and federal property at locations where “violent demonstrations prevent the execution of Federal law or *are likely to prevent the execution of Federal law based on current threat assessments and planned operations.*” *Id.* (emphasis added). Notably, the memorandum says nothing about federalizing Texas or California (or any other state’s) National Guards for deployment into Illinois.

As an initial matter, the October 6 Presidential memo invoking Section 12406 to federalize Illinois National Guard does not ratify prior actions taken to federalize troops, nor does it authorize

actions not set out in the memorandum. Before it issued, the violation of the statute and Illinois's sovereign injury already was complete, as defendant Hegseth already had issued: (1) the October 4 Title 32 request for Illinois troops; (2) the October 4 Illinois Federalization Order; and (3) the undated DoD Texas Mobilization Order, which Illinois learned of the evening of October 5th. Secretary Hegseth also already had deployed, via his memoranda, those federalized troops to Illinois. Following all of this, through informal channels, Illinois learned yesterday that federalized members of the California National Guard now have been deployed to our state. This is not pursuant to any known lawful process and is also without the consent of the Governor of Illinois.

The October 6 Memo also reflects *ultra vires* conduct, as it does not satisfy Section 12406. Certainly, it does not even facially seek to meet the first two bases—foreign invasion or rebellion—but its attempt to satisfy the third prong of Section 12406, that the “President is unable with the regular forces to execute the laws of the United States,” also fails.

The memo specifies no triggering event to support such a finding and instead speaks in hypothetical and future terms. These terms—with phrases like “sought to impede,” “likely to prevent,” and “appear to be increasing”—do not convey any current inability to execute federal law required for invocation of Section 12406(3). The memo does not specify it, because it does not exist. There simply has been no incident, or series of incidents, where the President has been unable to execute federal law, much less any broader circumstance warranting federalized troops.

The memo also independently violates the Tenth Amendment. It seeks to strong arm the Governor of Illinois into acquiescing to Title 32 for Illinois's National Guard, stating the federalization is only in effect “*until the Governor of Illinois consents* to a federally-funded mobilization, under Title 32 . . .” Once again, Defendants have put an impermissible, coercive, unconstitutional “choice” to Illinois. *See* ECF 1, ¶ 234; ECF 13 at 41.

Finally, this memo also seeks to have federalized troops violate the Posse Comitatus Act. Even were that not already clear from the Defendants and their affiliates' own statements, *See e.g.* Supp. Gaber ¶¶ 4–7 (Trump); ¶¶ 12, 13 (Bondi); ¶ 14 (Patel), and the original September 26 DHS Memo seeking National Guard troops in Illinois for “mission security in complex urban environments” and to “integrate with federal law enforcement operations, serving in direct support of federal facility protection, access control, and crowd control measures,” the October 6 Memo also makes that clear. It includes no limitation on which federal laws the National Guard can execute or where they can do so. The final paragraph of the memorandum contains the sweeping statement that “the deployed National Guard personnel may perform those protective activities that the Secretary of War determines *are reasonably necessary to ensure the execution of Federal law* in Illinois, and to protect Federal property in Illinois.” Ex. 25 (emphasis added). In their response brief, Defendants even argue that the federalized National Guard’s permissible scope includes performance of law enforcement. ECF 62 (Def. Opp.).at 33. Plainly, this is the plan, and that mission scope violates the Posse Comitatus Act.

On October 8, in an exhibit to their filing in this lawsuit, Defendants made public for the first time a memorandum dated October 4, which has identical language to the October 6 publicly available memorandum. This memorandum is deficient for the same reasons identified above. Furthermore, Defendants offer no explanation why there are two versions of the same memorandum with different dates: there is one dated October 4, but only ever made public or known to Plaintiffs on October 8, as a filing in this suit, and the one that we provide in our attachments, dated October 6, which was published on the White House website that same day. Neither memorandum was publicly available nor provided to Illinois at the time Secretary Hegseth issued his order deploying federalized troops to Illinois. The October 4 memo was shielded from

public scrutiny when Defendants acted,² although they must act on “reasons that can be scrutinized by courts and the interested public.” *Dep’t of Com. v. New York*, 588 U.S. 752, 785 (2019).

II. The New Deployment of California National Guard to Illinois Is Illegal

The day after this Court suggested to the Defendants, “If I were the government, I might strongly consider taking a pause on this until Thursday” (Tr. at 11:24-25, ECF 42), Defendants hit the accelerator. They again violated the law by deploying fourteen federalized California National Guard troops to Illinois on October 7, without any Presidential order under Section 12406, not that any facts exist in Illinois to justify such an invocation, even if the order did exist.

The California troops are being relocated from Oregon, where the district court blocked their deployment four days ago. Second TRO at 1, *Oregon v. Trump*, No. 25-cv-01756 (D. Or. Oct. 5, 2025), Dkt. No. 68. Plaintiffs do not know whether the remainder of the approximately 200 federalized California National Guard troops remaining in Oregon will soon follow. *See* Decl. of Paul S. Eck at 3, *Oregon v. Trump*, No. 25-cv-01756, Dkt. No. 60.

Plaintiffs are unaware of any order by the President or any of the Defendants directing this assignment, providing any legal or factual rationale for this deployment, or detailing its scope or purpose. Like the deployment of federalized Texas troops, Illinois received no request to consent to the California deployment and no advance notice that it was happening. The lack of any transparent notice or process at all violates fundamental principles of notice, accountability, and transparency, and it smacks of an effort to evade accountability by state governments, federal courts, and the people. This secrecy creates confusion and chaos for Illinois, Chicago, and our state

² This newfound October 4 President memo also does not seem to have been shown to General Nordhaus, whose declaration only notes he “became aware” that the president had issued a memorandum, not that he received or reviewed any such document. Nordhaus Decl., ECF No. 62-1 at ¶16

and local law enforcement officials, and the lack of any public notice or process is reason alone to enjoin the deployment of federalized California National Guard troops to Illinois.

California's National Guard was federalized pursuant to the June 7 Memorandum (Pls.' *Ex Parte* Mot. for TRO at 4-5, *Newsom v. Trump*, 25-cv-04870 (N.D. Cal. June 10, 2025), Dkt. No. 8), but that order does not create the *carte blanche* authority that Defendants pretend it does. Even if the California National Guard were properly federalized in Los Angeles in June, the President's attempt to use them anywhere, for any purpose, and for any amount of time would read Section 12406 out of existence and grant the President nearly unlimited power to use the military as his personal police force indefinitely.³ That broad view of the President's power would run directly counter to the Founders' reservation of powers over the militia to Congress (see U.S. Const. art. I, § 8, cls. 15-16), and Congress's narrow delegation of that authority to the President in cases of extreme emergencies. But that is exactly the power Defendants argue the President has. ECF 62 (Def. Opp.) at 27. The fact that the California National Guard troops deployed in Illinois as of the filing of this Supplement are currently assigned to provide training duties does not mitigate the unlawfulness of this deployment. The President may only "call into Federal service members and units of the National Guard of any State in such numbers as he considers necessary to repel the invasion, suppress the rebellion, or execute those laws." 10 U.S.C. § 12406 (emphases added). The statute requires the mission to match the basis for federalization. But the President's determination to federalize the California National Guard was made nearly four months ago, based on entirely

³ The President's Deputy Chief of Staff Stephen Miller has made little secret of this strategy, stating that the President has "many options and "if I told you [what options] right now, [the states] would just start pre-drafting their next motion for a TRO." Ex. 24, Supp. Gaber ¶¶ 8, 10. Defendants' counsel, before Judge Immergut, has also put forward the notion that once federalized, National Guard troops can be retained and deployed in effectively unlimited fashion. See Hearing re Temporary Restraining Order, October 5, 2022, *State of Oregon et al. v. Trump et al.*, 3:25-cv-01756-IM (D. Or.); Tr. 5:22-6:4; 6:19-7:9

different facts at a different location. Pls.’ *Ex Parte* Mot. for TRO at 4-5, *Newsom v. Trump*, 25-cv-04870, Dkt. No. 8. To the extent that Defendants no longer believe that those troops are necessary in California, they have no statutory basis to continue their federalization and deployment. Whatever the purpose for federalizing the California National Guard in June, the state of Illinois had nothing to do with it, and Defendants have no lawful basis to deploy them here. *See* Op. and Order Granting Mot. for TRO at 21-22, *Oregon v. Trump*, 25-cv-1756, Dkt. No. 56 (“violence in a different state . . . do[es] not provide a colorable basis to invoke Section 12406(3)”).

Defendants’ plan to deploy federalized troops to Illinois under 10 U.S.C. Section 12406—regardless of where the troops are from—fails to meet the requirements of Section 12406, the Tenth Amendment, and the PCA.

III. The New Evidence Reflects There Is No Lawful Basis to Invoke Section 12406 Here

Defendants’ evidentiary submissions fail to provide concrete evidence of any inability to enforce federal law, such that military reinforcements would be required in the Chicago area. The Hott declaration, the primary source of defendants’ claims of harm and inability to carry out the law, makes no claim that DHS is unable to execute the laws of the United States, at best alleging diversion of additional resources without differentiating how much of that diversion is the consequence of DHS’ own unprecedented surge. The evidence Plaintiffs have submitted, both in the Plaintiffs’ opening papers and submitted with this Supplement, makes clear that the federal defendants are well able to enforce federal law in Illinois.

First, the assertion that Illinois’s state and local police harbor “animosity” towards federal agents such that they have “refused repeated requests for assistance” is patently false. (Not that it would be sufficient to provide inability to enforce federal law in any event.) Just two days ago, on October 7, Russell Hott, Acting Director of the ICE Chicago Field Office, who oversees all the

ICE operations in the Chicagoland area, passed along to the Illinois State Police “kudos” from the DHS official overseeing the Broadview facility, praising ISP for “the effectiveness of this Unified Command, from our perspective.” Ex. 22 (Supp. Scudder), ¶ 6 and Ex. A thereto.

In so doing, DHS’s official directly overseeing the Broadview facility wrote that, because of Illinois’s joint unified command outside the ICE facility in Broadview, DHS did not even have to interact with protesters that weekend. *Id.* ¶ 5 and Ex. A. Specifically, the report stated, “Saturday, we had about 30 or so protesters up at the fence in the late afternoon. *Within about 5-10 minutes of us calling the ISP, state and local law enforcement were onsite* and immediately pushed back the protesters to the designated area without DHS’s need to intervene.” *Id.* In light of Director Hott’s private praise of the Illinois State Police’s effectiveness in managing the Broadview facility, it is surprising to see his materially contradictory sworn testimony in this suit that federal facilities face a “serious risk of harm and aggressive actors” if this court enjoins the use of the National Guard in Illinois. *See* ECF 62-6, ¶ 63.

Second, the Defendants’ baseless contention that the Chicago Police Department are refusing repeated requests for assistance also is disputed by the Declaration of CPD Superintendent Larry Snelling. Snelling makes clear that CPD has a policy and practice of responding to federal agents in need of police protection for their safety. Ex. 23 (Snelling Decl.), ¶¶ 6-9. He specifically describes the events in Brighton Park on October 4, reflecting the fact that CPD responded to assist DHS agents in multiple ways. *Id.* ¶¶ 10-22. Contrary to public reporting, at no time during that incident did CPD leadership instruct officers to refuse to help federal agents whom leadership believed to be in danger. *Id.* ¶ 22. Unfortunately, because of the DHS agents’ poor training for their current Chicagoland operation, *see* ECF 13-14 (Kerlikowske Decl.), ¶ 28-41, they injured 27 CPD

officers through the reckless deployment of chemical munitions in the form of multiple canisters of tear gas. Ex. 23 (Snelling Decl.), ¶ 21.

Finally, the idea that the Broadview facility is in a state of “significant unrest” simply ignores the facts on the ground. Illinois Emergency Management Agency reports that there were *at most* 20 protestors outside the facility at any given time since Sunday, October 5, through yesterday, October 8. Ex. 22 (Supp. Scudder), ¶ 13-19. IEMA’s reports are corroborated in sum and substance by ICE Director Hott’s email forward conveying the sentiment there was essentially no issue onsite—an email sent just two ago. Twenty people simply do not pose a “danger of rebellion” or nor do they “impede” a federal agency that includes 80,000 law enforcement officers from doing their job. *See* ECF 13-14 (Kerlikowske Decl.), ¶ 53-55.

IV. Plaintiffs should not be required to post a bond

Plaintiffs request that the Court exercise its discretion to waive posting a bond under Federal Rule of Civil Procedure 65(c).

The Seventh Circuit has long held that requiring security rests within the discretion of the district court and that the failure to require security under Rule 65(c) is not reversible error. *Scherr v. Volpe*, 466 F.2d 1027, 1035 (7th Cir. 1972). Notwithstanding the literal language of Rule 65(c), “[u]nder appropriate circumstances bond may be excused” in the issuance of a preliminary injunction. *Wayne Chem., Inc. v. Columbus Agency Serv. Corp.*, 567 F.2d 692, 701 (7th Cir. 1977). This Court also has held that it is appropriate to forgo posting of a bond in cases involving constitutional rights. *Smith v. Bd. of Election Comm’rs*, 591 F. Supp. 70, 71-72 (N.D. Ill. 1984).

Any impact on Defendants from enjoining the unlawful deployment of National Guard members to Illinois is *de minimis*. The federal government “cannot suffer harm from an injunction

that merely ends an unlawful practice or reads a statute as required to avoid constitutional concerns.” *R.I.L.-R v. Johnson*, 80 F. Supp. 3d 164, 191 (D.D.C. 2015).

Conclusion

In just the last six days, Defendants have federalized National Guard troops from three states—Illinois, Texas, and California—and deployed them to Illinois to perform unspecified duties in unidentified locations for an undefined period of time. To redress these irreparable and immediate injuries, and the additional ones that would flow from Defendants’ unknown next deployment, the court should grant Plaintiffs’ motion and enter a temporary restraining order and preliminary injunction against implementation of the October 4 Federalization Order, the Texas Mobilization Order, and any similar order effectuating the mobilization of the National Guard of the United States, any state National Guard, or deployment of the U.S. military over the objection of the Governor of Illinois. Defendants’ continued unlawful actions, made at a breakneck pace, including deployment of the federalized California National Guard, make that relief all the more urgent. The State of Illinois and City of Chicago ask the Court to enter that relief today.

Date: October 9, 2025

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**INDEX OF EXHIBITS
TO PLAINTIFFS' SUPPLEMENT IN FURTHER SUPPORT OF THEIR MOTION FOR
A TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

No.	Document Title
22	Supplemental Declaration of Bria Scudder
22-A	Email from Director Brendan Kelly to Bria Scudder, Deputy Governor, State of Ill. (Oct. 8, 2025)
23	Declaration of Chicago Police Department Superintendent Larry Snelling
24	Supplemental Declaration of Sherief Gaber
25	October 6, 2025 Presidential Memorandum

EXHIBIT 22

SUPPLEMENTAL DECLARATION OF BRIA SCUDDER

I, Bria Scudder, declare under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am the Deputy Governor for public safety, infrastructure, environment, and energy in the office of JB Pritzker, Governor of the State of Illinois.

2. On October 6, 2025, I submitted a declaration in support of Plaintiffs' motion for a temporary restraining order. *See* ECF 13-2.

3. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

Success of the State/Local Unified Command in Broadview, IL

4. At 2:12 p.m. on October 8, 2025, Director Brendan Kelly of the Illinois State Police (ISP) forwarded me an email chain that he had received, with the subject line "State/Local Broadview Unified Command." A true and correct copy of the email chain forwarded to me by Director Kelly on October 8 is attached hereto as Exhibit 22-A. The Broadview Unified Command is a collaboration between the ISP and the Cook County Sheriff's Office (CCSO), with assistance from the Cook County Department of Emergency Management and Regional Security and the Illinois Emergency Management Agency (IEMA), for the purpose of coordinating public safety measures in Broadview around the Immigration and Customs Enforcement (ICE) facility.

5. The first email of the chain was sent at 7:38 p.m. on October 5, 2025, from the Assistant Field Office Director of the Chicago Field Office, Broadview Service Staging Area, ICE, to persons with "@ice.dhs.gov" email addresses. The email provides "our perspective at BSSA," the Broadview Service Staging Area, on "the effectiveness of this Unified Command." It states, among other things, that:

- On October 4, “[w]ithin 5-10 minutes of us calling the ISP [about approximately 30 protestors at the fence], state and local law enforcement were on site and immediately pushed back the protestors to the designated area without DHS’s need to intervene,” and “we introduced the ISP colonel and the ICE SRT and BORTAC TL’s to coordinate any necessary responses” but “none were needed.”
- On October 5, there were only “a few dozen protestors . . . in the designated area and none on 25th street” in the early afternoon and “[a]s of this email, there are no protestors.”
- “DHS did not have to intervene with any protestors Saturday or Sunday [October 4 and 5]. The support from this unified command, and the communication with their on-site incident commander, has been great thus far this weekend. It’s clear that ISP is the difference maker in this scenario, and we are grateful for their leadership. Hopefully, we can keep it up for the long haul.”

6. The second email of the chain was sent at 9:40 a.m. on October 7, 2025, from Russell Hott, who, upon information and belief, is the Chicago Field Office Director for ICE, to Major David Keltner of the Illinois State Police. In it, Director Hott states that he is “passing along the kudos from one of my onsite managers,” that he “echo[es] the sentiment below,” and that Major Keltner is “a valued partner in law enforcement” who “represent[s] the best of the badge.”

Deployment of the National Guard Within Illinois

7. In my role as Deputy Governor for public safety, I routinely speak with leaders of the Illinois National Guard. Specifically, I regularly communicate with Major General Rodney

Boyd, the 41st Adjutant General of the State of Illinois and the Director of the Illinois Department of Military Affairs.

8. On October 6, 2025, at 5:54 p.m., I received an email from Major General Boyd in which he summarized his understanding of the status of both the Illinois National Guard and Texas National Guard forces that were deployed or were to be deployed in the Chicago area, including that:

- The Texas National Guard was expected to arrive in Peru, IN, at approximately 11:30 p.m. on October 6, 2025. From there, they would proceed directly to the Joliet Training Area (JTA).
- There was an “aggressive timeline” to conduct Civil Disturbance Operations (CDO) training with the Texas National Guard at the Joliet Training Area (JTA) on October 7-8, and deploy the first elements of the Texas National Guard on the evening of October 8 to Broadview, IL.
- The Illinois National Guard would also undergo CDO training at a different training center (MTC) in Marseilles, IL, beginning as early as October 9, 2025. This training would be provided by Federal Protective Services and members of the California National Guard. Following that training, the Illinois National Guard members would be moved to the JTA, which would serve as their housing and base of operations for the duration of the mobilization.

9. On October 6, 2025, I spoke with Major General Boyd and Colonel Matthew Garrison by phone. Colonel Garrison told me that the CDO training referenced above usually takes three to five days: five days for servicemembers training for the first time, and three days if the training is a refresher course for servicemembers who have already received prior training. Major

General Boyd and Colonel Garrison stated they did not know how many Texas National Guard members had up-to-date CDO training. They further stated that the plan was for the Texas National Guard CDO training to be compressed down to hours instead of days.

10. At 5:02 p.m. on Tuesday, October 7, I received an email from Major General Boyd in which he summarized his understanding of the status of both the Illinois National Guard and Texas National Guard forces that were deployed in the Chicago area, including that:

- The Illinois National Guard had 298 personnel on location at the MTC. They would begin in-processing at approximately 1:00 pm the next day (October 8). After completing in-processing and training, the Illinois National Guard personnel would move to the JTA.
- 200 Texas National Guard personnel had arrived at the JTA in Elwood at approximately 3:00 a.m. The Texas National Guard servicemembers were completing in-processing, and were expected to start CDO training the next day (October 8).
- Texas National Guard personnel were expected to be assigned to the Broadview ICE facility and provide security at the front gate of the JTA. The Texas National Guard leaders planned to conduct a site visit at the Broadview ICE facility that evening (October 7).
- Illinois National Guard personnel would be assigned site security missions at other locations and would be responsible for providing a Quick Reaction Force.

11. At midday today, October 8, 2025, I spoke with Major General Boyd and Colonel Garrison by phone. Colonel Garrison informed me that, as of this morning, the plan remained that the first Texas National Guard members would begin their assignment in Broadview this evening

– specifically, that the first platoon of Texas National Guard members would arrive in Broadview by 8:00 p.m. tonight.

Recent Protest Activity Near ICE Facility in Broadview, IL

12. In my role as Deputy Governor for public safety, I routinely communicate with the Illinois Emergency Management Agency (IEMA) about its activities. That includes receiving information from IEMA about locations it is monitoring, including the area near the ICE facility in Broadview, IL. In particular, I have received twice-daily updates from Christopher Dodd, IEMA's Chief of Operations, regarding protest activity and law enforcement activity near the facility.

13. On October 5, 2025, IEMA reported that there were an average of 10-20 protesters outside the ICE facility throughout the day. There were no arrests.

14. On October 6, 2025, at 9:00 a.m., IEMA reported that there were approximately 10 protesters outside the ICE facility throughout the morning. There were no arrests that morning. IEMA reported two arrests the night before by the Cook County Sheriff's Department, which a subsequent report corrected to one arrest.

15. On October 6, 2025, at 7:00 p.m., IEMA reported that there were an average of 10-20 protesters outside the ICE facility throughout the day. There were no arrests.

16. On October 7, 2025, at 12:00 p.m., IEMA reported that there were an average of 10-20 protesters outside the ICE facility through the morning. There was one arrest the previous evening, made by the Cook County Sheriff's Department.

17. On October 7, 2025, at 6:15 p.m., IEMA reported that there were an average of 10-20 protesters outside the ICE facility throughout the day. There were no arrests.

18. On October 8, 2025, at 12:00 p.m., IEMA reported that there were an average of 10-20 protesters outside the ICE facility throughout the day. There were no arrests.

19. On October 8, 2025, at 6:30 p.m., IEMA reported that there were an average of 1-20 protesters outside the ICE facility throughout the day. There were no arrests.

20. The facts in this declaration are accurate to the best of my knowledge as of 10:00 p.m. Central Time on Wednesday, October 8, 2025.

* * * *

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 8, 2025.

A handwritten signature in dark ink, appearing to read "Bria Scudder", is written over a horizontal line.

BRIA SCUDDER
Deputy Governor
State of Illinois

SUPPLEMENTAL SCUDDER DECLARATION

EXHIBIT 22-A

From: [Kelly, Brendan](#)
To: [Scudder, Bria](#)
Subject: Fw: State/Local Broadview Unified Command
Date: Wednesday, October 8, 2025 2:12:03 PM

For your awareness, communication from federal points of contact at the Broadview facility regarding the effectiveness of ISP and the unified command at that location.

From: Hott, Russell <[REDACTED]@ice.dhs.gov>
Sent: Tuesday, October 7, 2025 8:40 AM
To: Keltner, David <[REDACTED]@illinois.gov>
Subject: [External] FW: State/Local Broadview Unified Command

Good morning, Major.

From our discussion yesterday afternoon, I'm passing along the kudos from one of my onsite managers. While I echo the sentiment below, I want to also add that I have enjoyed getting to know you and work with you. You are a tremendous ambassador for the brave women and men of ISP and a valued partner in law enforcement. Thank you for representing the best of the badge.

All the best,
Russ

From: Sukmanowski, Peter N <[REDACTED]@ice.dhs.gov>
Date: Sunday, Oct 05, 2025 at 7:38 PM
To: Hott, Russell <[REDACTED]@ice.dhs.gov>, Marich, Tammy <[REDACTED]@ice.dhs.gov>, Byers, Shawn L <[REDACTED]@ice.dhs.gov>, Bahena, Jimmy <[REDACTED]@ice.dhs.gov>, Hernandez, Raymond <[REDACTED]@ice.dhs.gov>, Woemmel, Dennis <[REDACTED]@ice.dhs.gov>, Cata, Angel A <[REDACTED]@ice.dhs.gov>
Subject: State/Local Broadview Unified Command

Good evening,

I just wanted to pass along the effectiveness of this Unified Command, from our perspective at BSSA.

Friday morning, everyone saw that, and I don't need to elaborate on it.

Saturday, we had about 30 or so protesters up at the fence in the late afternoon. Within about 5-10 minutes of us calling the ISP, state and local law enforcement were onsite and

immediately pushed back the protesters to the designated area without DHS's need to intervene. The protesters did not approach the fence again. I was told by HSI that later that evening, ISP declared an unlawful assembly and moved everyone out (I did not verify this with ISP). When Angel and I left BSSA around 10pm, there were no protesters and state/local police had the entire area (Beach Street and 25th) secure and empty, and 25th street was closed in both directions. Earlier in the evening, we introduced the ISP colonel and the ICE SRT and BORTAC TL's, to coordinate any necessary responses (none were needed).

Today (Sunday), state and local law enforcement were onsite early in the afternoon. On our way out, Dennis and I observed a few dozen protesters on Beach Street in the designated area and none on 25th street. On our way back, we were stopped and identified by ISP entering off 25th (through gate 4), due to a vehicle earlier in the afternoon getting up to the gate 4 to take pictures (according to ISP). So ISP began to ID everyone driving through after that "breach" (which was a welcomed process by us). As of this e-mail, there are no protesters on Beach and state/local law enforcement have about a dozen or so patrol cars in the area still.

To my knowledge, DHS did not have to intervene with any protesters Saturday or Sunday. The support from this unified command, and the communication with their on-site incident commander, has been great thus far this weekend. It's clear that ISP is the difference maker in this scenario, and we are grateful for their leadership. Hopefully, we can keep it up for the long-haul.

Peter Sukmanowski

Assistant Field Office Director

Chicago Field Office, Broadview Service Staging Area (TDY)

Enforcement & Removal Operations

U.S. Immigration & Customs Enforcement

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EXHIBIT 23

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

STATE OF ILLINOIS, a sovereign state;
and the CITY OF CHICAGO, an Illinois
municipal corporation,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States;
DEPARTMENT OF HOMELAND
SECURITY; KRISTI NOEM, in her official
capacity as Secretary of the Department of
Homeland Security; DEPARTMENT OF
DEFENSE; PETER B. HEGSETH, in his
official capacity as Secretary of the
Department of Defense; UNITED STATES
ARMY; DANIEL P. DRISCOLL, in his
official capacity as Secretary of the Army,

Defendants.

Case No. 25-cv-12174

Judge April M. Perry

**DECLARATION OF CHICAGO POLICE DEPARTMENT
SUPERINTENDENT LARRY SNELLING**

I, Larry Snelling, declare under penalty of perjury as prescribed in 28 U.S.C. § 1746:

1. I am over the age of 18 and understand the obligations of an oath.
2. I base this declaration on personal knowledge, consultation with my staff, and records maintained in the ordinary course of Chicago Police Department operations. If called as a witness, I could and would testify competently to the matters set forth below.
3. I graduated from DePaul University with a degree in adult education. I joined the Chicago Police Department (CPD) in 1992 as a patrol officer in my home community of Englewood.

4. I currently serve as the Superintendent of Police, the highest-ranking member of CPD. I was sworn in in September 2023 and serve at the pleasure of Mayor Brandon Johnson. As the Superintendent, I oversee the entire Department, which is the second largest police agency in the country. I manage a workforce of approximately 13,000 people and an operating budget of around \$2 billion. Each year, I prepare the Department's annual budget and review its annual goals and objectives. I am responsible for critical functions such as facilitating and coordinating law enforcement services, planning and implementing the Community Policing Strategy, planning police coverage at public gatherings, addressing legal and legislative matters, administering labor agreements, and providing a liaison to the news media. I am responsible for CPD's relationship with the municipal government, outside agencies, and the entire community.

5. Before becoming the Superintendent, I was the Chief of the Bureau of Counterterrorism. In that role, I was responsible for more than 20 units and teams, including the Intelligence Section, Special Weapons and Tactics (SWAT), Firearms Investigation Team, Canine Unit, Public Transportation Unit, Airport Operations Unit, Marine Operations Unit, Mounted Unit, Gang Investigations Division, and Bomb Squad. There are over 1,000 sworn officers comprising these units. In addition, I served as the Incident Commander for all major events, such as protests, festivals, and concerts. On a day-to-day basis, I supervised the operations of these units, managed administrative duties, and helped plan and coordinate Chicago's safety plans and responses to large-scale special events.

I. CPD SPECIAL ORDER S06-14-03

6. CPD Special Order S06-14-03,¹ titled "Responding to Incidents Involving Citizenship Status," states: "Department members will **not** participate in civil immigration

¹ This directive is available online at <https://directives.chicagopolice.org/#directive/public/6495>.

enforcement operations or assist the civil enforcement of federal immigration law.” Special Order S06-14-03 § IV(C). However, “This does **not** preclude Department members from responding and taking police action should a contemporaneous public safety concern arise or in response to alleged violations of the Illinois Compiled Statutes or Municipal Code of Chicago.” *Id.*

7. The Special Order explains: “If the Department receives a call for service or responds to an incident that indicates or includes a request from an immigration or other law enforcement agency to provide assistance with a civil immigration enforcement operation, the responding Department member will request a supervisor from the district of occurrence to respond to the scene.” *Id.* § V(A).

8. The notified supervisor from the district where the incident is taking place will then “respond to the scene, assume command and oversight of the incident, and will notify:” (1) “the watch operations lieutenant (WOL) of the district of occurrence, who will respond to the scene”; (2) “the district commander of the district of occurrence”; and (3) the Crime Prevention Information Center. *Id.* § V(B).

9. Accordingly, pursuant to CPD Special Order S06-14-03, CPD officers will respond to reported crimes or threats to public safety, including reports by federal immigration agents. Responding officers will then take the necessary steps to protect the safety of people at the scene, including the safety of federal immigration agents.

II. The October 4 Brighton Park Incidents

10. On Saturday, October 4, 2025 at 10:32 a.m., CPD received a call about a shooting at 39th and Kedzie in the Brighton Park neighborhood.

11. By 10:36 a.m., CPD officers responded and located a woman who reported that she had been shot by federal agents.

12. CPD officers coordinated with the Chicago Fire Department, and the woman was taken to the hospital to have her gunshot wounds treated. By 11:06 a.m., CPD officers were at the hospital with the injured woman.

13. In the meantime, CPD officers controlled and preserved the scene where the woman's vehicle was located. At 11:36 a.m., CPD officers turned the scene over to federal authorities to conduct their investigation.

14. At 12:12 p.m., in a separate incident, CPD received a report that a vehicle had collided with a vehicle driven by federal agents around 3200 West 35th Street. CPD officers went to the scene of the collision and documented the incident.

15. At 12:28 p.m., federal agents requested additional CPD assistance due to a crowd gathering at 39th and Kedzie.

16. By 1:09 p.m., additional CPD units from around the City were en route to 39th and Kedzie.

17. At 1:15 p.m., at 39th and Kedzie, where CPD was already on scene, federal agents deployed tear gas.

18. CPD officers established a perimeter at the scene, placing themselves in between the protesters and the federal agents.

19. At 2:56 p.m., members of the public were throwing objects at CPD. Federal agents again deployed tear gas. Federal agents subsequently left the scene.

20. By 3:48 p.m., the crowd had disbursed.

21. In short, CPD officers were present and worked to maintain public safety in Brighton Park on October 4, 2025. As CPD officers always do, they put their physical safety at

jeopardy to keep the City safe. Indeed, 27 CPD officers reported sustaining injuries due to chemical agents deployed by federal agents.

22. Contrary to some public reporting, at no time during the Brighton Park incidents on October 4 did CPD leadership instruct officers to refuse to help federal agents whom leadership believed to be in danger. CPD works to protect the safety of all individuals in Chicago—including federal immigration agents—and will continue to do so.

23. On October 4, 2025, I spoke with someone in leadership at U.S. Customs and Border Protection. He expressed his appreciation for CPD's success in protecting federal agents during the Brighton Park incidents.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: October 8, 2025

Chicago, Illinois

A handwritten signature in black ink, appearing to be "A. L. O.", written over a horizontal line.

EXHIBIT 24

DECLARATION OF SHERIEF GABER

I, Sherief Gaber, declare under penalty of perjury, and under 28 U.S. Code § 1746, as follows:

1. I am an Assistant Attorney General in the Office of the Attorney General of the State of Illinois. The Attorney General is counsel to plaintiff the State of Illinois. I submit this declaration in further support of the State of Illinois and City of Chicago's motion for a temporary restraining order and preliminary injunction.

2. I have reviewed statements made by Defendants and their appointees or other senior federal employees, since Plaintiffs filed this action on the morning of Monday, October 6, 2025. I have also reviewed websites for the White House and other federal agencies.

President Donald J. Trump

3. In a telephone interview with Greg Kelly on October 6, 2025, when asked if the Insurrection Act was going to be formally invoked, and whether it was a way to "get around all this opposition" referring to orders of U.S. District Courts proscribing the deployment of the National Guard in American cities, Trump said:

Well, it is a way to get around it. If we don't have to use it I wouldn't use it. If you take a look at what's been going on in Portland, it's been going on for a long time and that's insurrection -- I mean that's pure insurrection. And then you have a governor get up and say there's absolutely nothing wrong. And you see these places are burning down. Like in Chicago with Pritzker.

Available at <https://rollcall.com/factbase/trump/transcript/donald-trump-interview-greg-kelly-newsmax-october-6-2025/>. Mr. Trump went on to allege several unsupported claims about crime in the Chicago area and concluded saying "[Pritzker] gets up on television and tells everyone how safe it is. It's not safe. And we'll make it safe; I can make it safe. We can make it safe easily and it won't even take that long. And the biggest problem we have is that they fight, they just

fight, I guess. I don't know what it is. It's a sickness. They don't want -- why would you not let the military come in, meaning National Guard or whatever?" *Id.*

4. Asked on October 7, 2025, during a press event with Canadian P.M. Carney about the potential to invoke the Insurrection Act in Portland, Trump instead gave lengthy remarks about Chicago, saying in part:

Yeah. Well, it's been invoked before as you know. Uh, if you look at Chicago, Chicago's a great city where there's a lot of crime. And if the governor can't do the job, we'll do the job. It's all very simple.

Available at: <https://rollcall.com/factbase/trump/transcript/donald-trump-remarks-bilat-mark-carney-canada-october-6-2025>

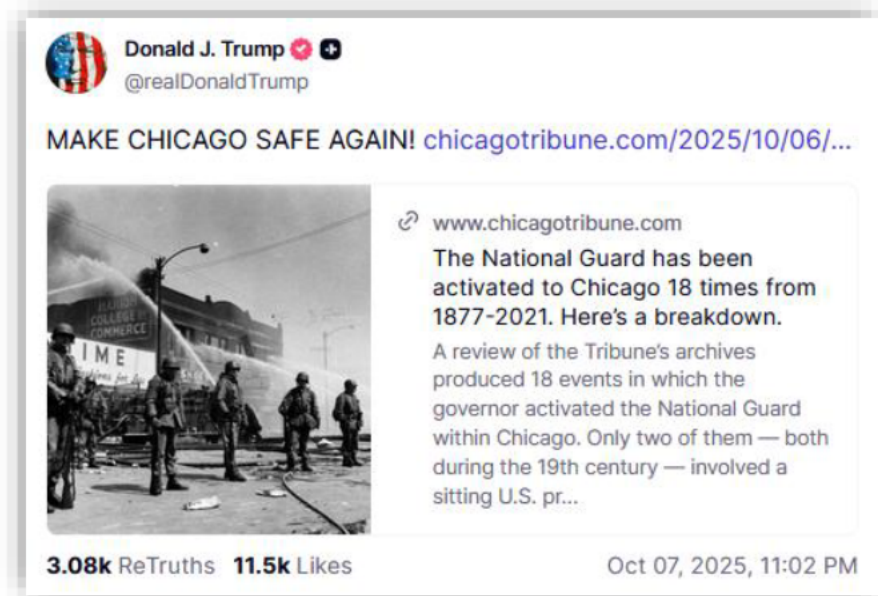
5. At a few minutes past midnight, Eastern Time, on October 8, 2025, Donald Trump posted three posts in the same minute to his Truth Social account concerning his deployment of the National Guard to Chicago.

- a. First, a link to an article titled, "7 Times Presidents Have Activated US Troops on American Soil," with the comment: "My goal is very simple. STOP CRIME IN AMERICA!"



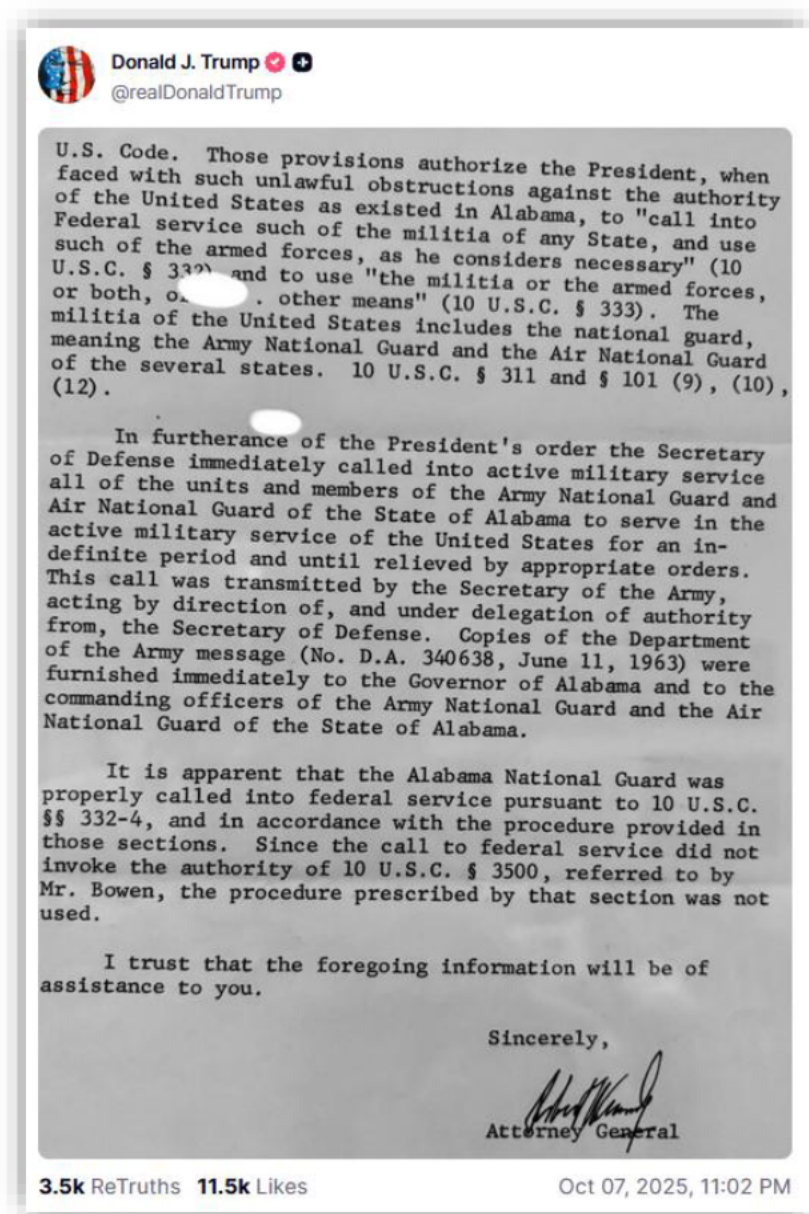
Available at: <https://truthsocial.com/@realDonaldTrump/115336547657622506>.

- b. Trump also posted a link to a Chicago Tribune article detailing the history of deployments of the National Guard to Chicago with the caption “MAKE CHICAGO SAFE AGAIN!”



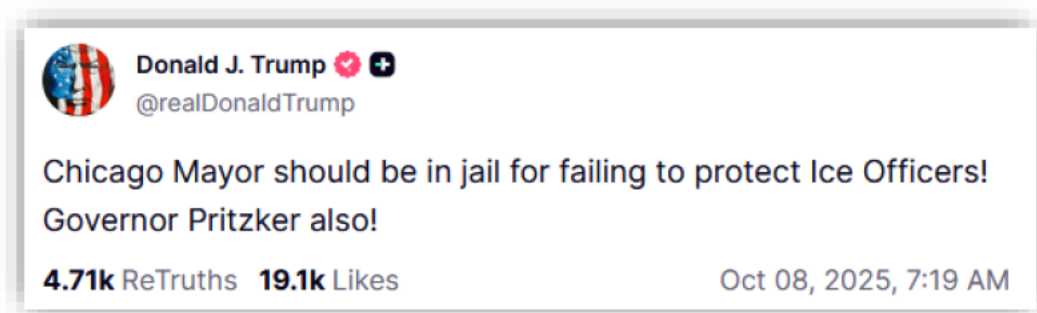
Available at: [https://truthsocial.com/@realDonaldTrump/posts/115336552194960046](\"https://truthsocial.com/@realDonaldTrump/posts/115336552194960046\").

- c. Finally, Trump posted, without any commentary, the following image of a 1963 letter from Attorney General Robert Kennedy concerning the 1963 invocation of the Insurrection Act to federalize Alabama National Guard members in response to active obstruction of a federal District Court order by Alabama governor George Wallace:



Available at <https://truthsocial.com/@realDonaldTrump/posts/115336554670437446>.

6. On October 8, 2025, Trump posted to his official Truth Social account: "Chicago Mayor should be in jail for failing to protect Ice Officers! Governor Pritzker also!"



Available at: <https://truthsocial.com/@realDonaldTrump/posts/115338509988551290>.

7. I have reviewed what I believe to be all of the President’s social media statements or remarks to press since the issuance of the Secretary of War’s memorandum deploying federal troops to Chicago to the date of the execution of this declaration. In none of them has the President referred to protection of federal facilities. All his statements, on information and belief, have been concerned with using troops for policing crime or his perceived authority under the Insurrection Act.

White House Deputy Chief of Staff Stephen Miller

8. In an interview with CNN in the afternoon of October 6, 2025, when asked if the administration would abide by the order of Judge Immergut in the District of Oregon, Miller equivocated, saying, “insofar as it affects the covered parties, but there are also many other options the President has to deploy federal resources and assets under the U.S. military to Portland.”

Available at <https://youtu.be/vWudXaj60rU>.

9. Referring to the Ninth Circuit’s decision in *Newsom v. Trump*, 141 F.4th 1032 (9th Cir. 2025), Miller said with respect to federalization of the National Guard under Title 10, “the President has plenary authority,” then immediately cut himself off mid-sentence and looked silently at the camera for more than ten seconds. *Id.*

10. Asked about his statement about “many other options” later in the day by press assembled at the White House, Miller said “Well, if I told you [what options] right now, they would just start pre-drafting their next motion for a TRO. So I would just say that the president has a very broad range and set of authorities when it comes to deploying federal assets. And again, as you know, we went through this in California with Newsom. He made a total fool of himself pretending He had the authority to defy a lawful presidential command of the National Guard, be one of the very liberal Ninth circuit and a portion of the California National Guard has remained federalized to this day.” Available at <https://rollcall.com/factbase/trump/transcript/donald-trump-press-briefing-stephen-miller-the-white-house-october-6-2025>

11. Speaking with Fox News, also on October 6, Miller made a number of remarks concerning the deployment of military forces to Chicago. The links below go to the timestamps in the video of the interview at which each remark was made.

- a. “This fool, Governor Pritzker, uses the term ‘invasion force’ to describe federal law enforcement? He is adopting the language and the narrative of the paid insurrectionists and the antifa mobs.”

Available at <https://youtu.be/wUm8WUNVin0?t=115>.

- b. “Governor Pritzker is providing aid and comfort to the riotous mob assaulting, obstructing, impeding, and attacking ICE officers. And his latest act, declaring no-go zones¹ where federal law enforcement is not permitted, is truly an act of insurrection against the federal government.”

Available at <https://youtu.be/wUm8WUNVin0?t=165>.

- c. Miller was asked, “Do you anticipate the federal government will cite the Insurrection Act in order to ramp up federal presence... in a city like Chicago,” , and answered as follows:

Well, the President has numerous authorities to ensure public safety and order in our communities. The President has the authority to

¹ Miller appears to be referring to Mayor Brandon Johnson—not Governor Pritzker—who had that same day signed an executive order providing that City-owned parking lots, garages, or vacant lots could not be used as staging areas, processing locations or operations bases for civil immigration enforcement.

send in the National Guard. The President has authority to surge in federal law enforcement, the President has the authority under [Section] 287(g) [of the Immigration and Nationality Act] to deputize officials across the country to engage in immigration and customs enforcement work. And many other tools and, of course, the Insurrection Act is one lawful statutory tool at the President's disposal. ... We're not going to leave our citizens at the mercy of a Democrat criminal justice system...President Trump is not going to stand for it, that's the bottom line.

Available at <https://youtu.be/wUm8WUNVin0?t=175>.

Attorney General Pamela Bondi

12. In testimony before a Senate Judiciary panel oversight hearing on October 7, 2025, Attorney General Pamela Bondi responded to questions from Senator Dick Durbin concerning her understanding of the National Guard's mission in Chicago by suggesting she understood their mission to be concerned with civil law enforcement: "Currently the National Guard are on their way to [Chicago] and if you won't protect your citizens, President Trump will."

Available at <https://www.youtube.com/watch?v=5lthjCc6JM0>.

13. Later in the hearing, responding to Senator Thom Tillis's expression of concern about the National Guard "wad[ing] into local law enforcement...almost a sense that [the National Guard] become an arm of local law enforcement, I don't consider that a best practice," Bondi conceded that the National Guard was, in fact, engaging in law enforcement activities where President Trump has deployed them: "Well, I don't believe our National Guard want to be doing that, but they are going to be where they have to be to keep Americans safe." She went on to speak about the deployment of the National Guard to Memphis as an example, and how National Guard members were "working hand in hand with the Memphis Police Department." *Id.*

FBI Director Kash Patel

14. In an interview with Fox News alongside Deputy Attorney General Todd Blanche, FBI Director Kash Patel admitted that the National Guard's Chicago mission would be to engage in law enforcement activities:

On the National Guard [in Chicago], just to add...it's needed and for an operational purpose of setting up perimeters. That's the clarity that the National Guard provides. We don't have the men and women in law enforcement in both setting up perimeters, securing the zones, riot gear, and also do the criminal investigative work that's necessary to prosecute those that are breaking the law. And that is exactly what the National Guard is for.

Available at <https://www.foxnews.com/video/6382230019112>.

White House Website

15. I have also reviewed the White House web page where, on October 6, 2025, a new Presidential Memorandum was posted titled: "Department of War Security for the Protection of Federal Personnel and Property in Illinois" ("Illinois Memorandum"), available at: <https://www.whitehouse.gov/presidential-actions/2025/10/department-of-war-security-for-the-protection-of-federal-personnel-and-property-in-illinois/>.

16. I also reviewed the RSS (Really Simple Syndication) feed for White House Presidential Actions, available at <https://www.whitehouse.gov/presidential-actions/feed>. RSS is a standardized, computer-readable format meant for websites "to publish frequently updated information" and "includes full or summarized metadata." Reviewing the RSS feed for the White House Presidential Actions shows an entry for the Illinois Memorandum with a metadata field showing it was published "Monday, October 6 2025 21:53:26 +0000 [4:53:26 PM Central Time]."

17. Viewing the HTML source of the Illinois Memorandum's web page shows a property titled "article:published_time" with a value "2025-10-06T21:53:26+00:00".

18. The facts in this declaration are accurate to the best of my knowledge as of 11:00 p.m. Central Time on Wednesday, October 8, 2025.

I declare under penalty of perjury that the foregoing is true and correct on October 8, 2025

/s/ Sherief Gaber

Sherief Gaber

EXHIBIT 25

Democrats Have Shut Down the Government 8d 0h 30m 51s

The WHITE HOUSE

PRESIDENTIAL ACTIONS

Department of War Security for the Protection of Federal Personnel and Property in Illinois

Presidential Memoranda

October 6, 2025

MEMORANDUM FOR THE SECRETARY OF WAR

THE ATTORNEY GENERAL

THE SECRETARY OF HOMELAND SECURITY

SUBJECT: Department of War Security for the Protection of Federal Personnel and Property in Illinois

The situation in the State of Illinois, particularly in and around the city of Chicago, cannot continue. Federal facilities in Illinois, including those directly supporting Immigration and Customs Enforcement (ICE) and the Federal Protective Services (FPS), have come under coordinated assault by violent groups intent on obstructing Federal law enforcement activities. These groups have sought to impede the deportation and removal of criminal aliens through violent demonstrations, intimidation, and sabotage of Federal operations. These violent activities appear to be increasing, and the situation in the State of Illinois, particularly in and around the city of Chicago, cannot continue. These activities are not occurring in isolation. Instead, these activities are similar to other ongoing efforts in multiple States and cities around the country to disrupt the faithful enforcement of Federal law. On June 7, 2025, I determined that similar activities warranted the mobilization of the National Guard. Likewise, at the end of September,

I directed the Secretary of War to mobilize the National Guard due to ongoing violence and interference with Federal law enforcement in Oregon.

In those prior directives and in this instance, I have determined that these incidents, as well as the credible threat of continued violence, impede the execution of the laws of the United States. I have further determined that the regular forces of the United States are not sufficient to ensure the laws of the United States are faithfully executed, including in Chicago.

In light of both past incidents in Chicago and the credible threat of future incidents, and in light of my determinations, by the authority vested in me as President by the Constitution and the laws of the United States of America, including 10 U.S.C. 12406, I hereby call into Federal service at least 300 members of the Illinois National Guard, until the Governor of Illinois consents to a federally-funded mobilization, under Title 32 of the United States Code, of the Illinois National Guard under State control. The members of the Illinois National Guard called into Federal service shall protect ICE, FPS, and other United States Government personnel who are executing Federal law in the State of Illinois, and Federal property in the State of Illinois. They shall do so at any locations at which violent demonstrations prevent the execution of Federal law or are likely to prevent the execution of Federal law based on current threat assessments and planned operations. The duration of such Federal service shall be 60 days or at the discretion of the Secretary of War. Further, I direct and delegate actions as necessary for the Secretary of War to coordinate with the Governor of the State of Illinois and the Chief of the National Guard Bureau in identifying and ordering into Federal service the appropriate members and units of the Illinois National Guard under this authority. To carry out this mission, the deployed National Guard personnel may perform those protective activities that the Secretary of War determines are reasonably necessary to ensure the execution of Federal law in Illinois, and to protect Federal property in Illinois. Following the deployment of any National Guard personnel to any location in Illinois, the Secretary of War shall consult with the Attorney General and the Secretary of Homeland Security prior to withdrawing the personnel from such location. The Secretary of War and the Secretary of Homeland Security may delegate to subordinate officials of their respective Departments any of the authorities conferred upon them by this memorandum.

DONALD J. TRUMP



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