



OFFICE OF THE GOVERNOR

June 8, 2025

Hon. Pete Hegseth
Secretary of Defense
Washington, DC 20301

Via email only

Re: Federalization of the California National Guard

Dear Secretary Hegseth:

On June 7, 2025, President Trump issued a memorandum to your office entitled "Department of Defense Security for the Protection of Department of Homeland Security Functions." The memorandum purports to invoke 10 U.S.C. § 12406 to "call into Federal service members and units of the National Guard . . . to temporarily protect ICE and other United States Government personnel who are performing Federal functions, including the enforcement of Federal law, and to protect Federal property." The memorandum further directs "actions as necessary for the Secretary of Defense to coordinate with the Governors of the States and the National Guard Bureau in identifying and ordering into Federal service the appropriate members and units of the National Guard under this authority."

Section 12406 states that "the President may call into Federal service members and units of the National Guard of any State in such numbers as he considers necessary" to (1) repel an invasion of the United States by a foreign nation; (2) suppress a rebellion against the authority of the Government of the United States; or (3) execute the laws of the United States when the President is unable to do so with regular forces. Section 12406 further states that "[o]rders for these purposes shall be issued through the governors of the States."

Last night, the Adjutant General of California received a memorandum from your office with the subject line "Calling Members of the California National

Guard into Federal Service," which states that "[t]wo thousand members of the California National Guard will be called into Federal service effective immediately for a period of 60 days." Notably, this directive did not issue "through the governor[] of the State[]" as required by section 12406; the Department of Defense did not transmit this directive to the Office of the Governor, nor was it approved or ordered by the Governor of California. This directive is also inconsistent with the President's memorandum, which anticipates "coordinat[ion] with the Governors of the States" in identifying and ordering units of the National Guard into federal service.

At present, law enforcement authorities from the City and County of Los Angeles are safeguarding public safety, and, as demonstrated by the robust law enforcement response yesterday evening to protect federal facilities, local law enforcement resources are sufficient to maintain order. In dynamic and fluid situations such as the one in Los Angeles, State and local authorities are the most appropriate ones to evaluate the need for resources to safeguard life and property. Indeed, the decision to deploy the National Guard, without appropriate training or orders, risks seriously escalating the situation.

There is currently no need for the National Guard to be deployed in Los Angeles, and to do so in this unlawful manner and for such a lengthy period is a serious breach of state sovereignty that seems intentionally designed to inflame the situation, while simultaneously depriving the State from deploying these personnel and resources where they are truly required. Accordingly, we ask that you immediately rescind your order and return the National Guard to its rightful control by the State of California, to be deployed as appropriate when necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "David Sapp", with a stylized flourish extending from the end.

David Sapp
Legal Affairs Secretary
Office of Governor Gavin Newsom

cc. California Attorney General Rob Bonta (via email only)