

# TO THE AMERICAN PEOPLE:

We are retired flag-rank officers who support President Trump's recent declarations that the tolerance of widespread rioting and lawlessness by various U.S. state and local political authorities is unacceptable.

Furthermore, we write in opposition to the criticism by those who have claimed or implied that the deployment of the military to quell unchecked urban rioting would be an authoritarian departure from American history. Such claims are ill-informed and dangerous. To be clear, none of us want to see the active military used in a civil law enforcement/civil unrest role unless all other options have been exhausted.

As members of the military we have seen the effects that war, killing and violence have upon civilian populations. The predations and crimes visited upon the innocent when law and order have vanished are horrible. That is true whether it be in Mogadishu, Mosul, Benghazi, or New York City.

If the political leadership of a state and municipality refuses to stop an outbreak of violence or an insurrection that endangers the lives of American citizens, the president has been empowered to act by the Constitution<sup>1</sup> and Congress through the Insurrection Act of 1807 to use the military to restore order. With respect to the use of the "military" we include both the National Guard ("the Guard") and Active Duty military units.

State governors are empowered to deploy the Guard – as the governor of Minnesota did recently. The Guard is trained to operate effectively in such environments as a last resort when local police and sheriffs are overwhelmed by rioting. However, if State and local governments do not act, the president may federalize the National Guard and deploy them.<sup>2</sup>

There may even be rare circumstances in which the Guard may not be sufficient to handle a large-scale crisis. For example, Presidents Eisenhower and Kennedy both deployed regular military forces during several desegregation emergencies without State consent. The refusal of State and local authorities to stop the destruction of a city by riots should provide the emergency authority necessary to take such an extraordinary measure of last resort.<sup>3</sup>

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**We fervently hope and pray that state and local authorities will promptly restore law and order should there be further outbreaks of rioting. But if not, President Trump has the authority to take extraordinary measures under such circumstances.**

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We concur that the use of active duty military units should be a last resort, but we know that eleven presidents have invoked the Insurrection Act of 1807 on twenty occasions.

Notwithstanding the non-stop hostility of the news media, President Trump has established a record of being cautious and restrained when using military power. We are confident that he will be extremely prudent in deploying the military domestically in such circumstances as may arise. We believe our President will do what is necessary to support and defend the Constitution and preserve this Constitutional Republic. Although we realize there are other military officers who disagree we stand with the President at this difficult time.

*Sincerely,*

Gen Buck Kernan, US Army (Ret)  
LTG William G. Boykin, US Army (Ret)  
LTG Thomas G. McInerney, US Air Force (Ret)  
LTG Jay Garner, US Army (Ret)  
LTG John Pickler, US Army, (Ret)  
LTG Ronald Watts, US Army (Ret)  
LTG John Woodmansee, US Army (Ret)  
LTG Dennis Cavin, US Army (Ret)  
LTG Jim Bates, US Army (Ret)  
LTG Joe Cosumano, US Army (Ret)  
LTG David Mann, US Army (Ret)  
LTG John Riggs, US Army (Ret)  
RADM Frank Gallo, US Navy (Ret)  
MG Walter Yates, US Army (Ret)  
MG Raphael Hallada, US Army (Ret)  
MG Jim Cravens, US Army (Ret)  
MG Robert Hicks, US Army (Ret)  
MG Dewitt T. Irby, US Army (Ret)  
MG Thomas Lightner, US Army (Ret)  
MG Joe Owens, US Army (Ret)  
MG Paul E Valley, US Army (Ret)  
MG Robert F Dees, US Army (Ret)  
MG James Maloney, US Army (Ret)  
MG Vernon Lewis, US Army (Ret)  
MG Travis Dyer, US Army (Ret)  
MG Peter Franklin, US Army (Ret)  
MG James Bassham, US Air National Guard (Ret)  
MG Max Haston, US Army National Guard (Ret)  
MG Don Infante, US Army (Ret)  
MG Roger Mathews, US Army (Ret)  
MG Bruce Moore, US Army (Ret)  
MG Gus Hargett, US Army National Guard (Ret)  
MG Gary L. Harrell, US Army (Ret)  
BG Randal McIntire, US Army (Ret)  
BG Daniel Montgomery, US Army (Ret)  
BG Joe Oder, US Army (Ret)  
BG Flood Walters, US Air Force (Ret)  
BG Bobby Woods, US Air Force (Ret)  
BG Uri French, US Army (Ret)  
BG Dick Black, US Army (Ret)  
BG Terry Ethridge, US Army National Guard (Ret)  
BG Mike Scholes, US Army National Guard (Ret)  
BG Morgan Gillett, US Army (Ret)  
BG Jeff Horne, US Army (Ret)  
BG Rick McCabe, US Army (Ret)  
BG Stanislaus Houy, US Army (Ret)  
Col. Rob Maness, US Air Force (Ret)

<sup>1</sup> U.S. CONST. art. I, § 8, cl. 15.

<sup>2</sup> 10 U.S. Code § 12406. *See also*, Lindsay P. Cohn, "Yes, Trump Can Send the Military to Shut Down the Protests. Here's What You Need to Know," Washington Post, June 2, 2020, <https://www.washingtonpost.com/politics/2020/06/02/can-trump-send-military-shut-down-protests-heres-what-you-need-know/>.

<sup>3</sup> 32 C.F.R. § 215.4(e)(1)(i).



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