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November 17, 2025

The Honorable Scott S. Harris
Clerk of the Court
Supreme Court of the United States
One First Street, NE
Washington, DC 20543-0001

Re: *Trump v. Illinois*, No. 25A443

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Dear Mr. Harris:

Respondents submit this letter reply brief, as directed by the Court's October 29, 2025 order. Applicants endorse a reading of "the regular forces" that they implicitly acknowledge is inconsistent with the term's common usage. And, in doing so, they eschew traditional tools of statutory interpretation in favor of a policy preference for the President's unfettered ability to deploy the National Guard in American communities. But policy preferences play no role when interpreting statutes, and applicants' half-hearted effort to shoehorn their policy goals into section 12406(3)'s history is incoherent: they argue, on the one hand, that their interpretation finds support in the Founders' distrust of standing armies and, on the other, that, notwithstanding this distrust, Congress delegated to the President a power to deploy the militia *and* the military so vast it is not judicially reviewable.

Indeed, applicants' response to the second part of the Court's question is wholly unsatisfactory. Instead of explaining how interpreting "the regular forces" to mean the military would affect the operation of section 12406(3), applicants attempt to dissuade the Court from reviewing that question at all. But none of the principles applicants assert in support of their theory that the President's section 12406(3) determination is unreviewable supports such an extreme position. Nor are applicants correct that they can satisfy judicial review because the President *could* have satisfied the standard to deploy the professional military *if* he had considered it when invoking section 12406. This submission, which is based solely on speculation, would amount to no review at all and is impossible to square with the Founders' fears about deploying the military domestically.

Respondents' interpretation, by contrast, is consistent with section 12406(3)'s plain language, history, and past practice, and provides that the President may deploy the National Guard to execute federal law only in the extremely narrow

circumstances where it would be lawful to deploy the military but the President is unable to meet his objectives with the military alone. The President has not attempted to show that these circumstances are present in Illinois, nor could he. On the contrary, the federal government has made clear through recent statements and filings in another case that state and local law enforcement efforts have been so effective that federal officers are no longer needed. And applicants sought and obtained an indefinite extension of the temporary restraining order in this case that they once claimed presented "intolerable risks to the lives and safety of federal personnel." Appl. 1. For these reasons, and those in respondents' prior briefs, there is no basis for the President to deploy the National Guard in Illinois.

ARGUMENT

I. Text and history show that "the regular forces" means the military.

A. Applicants' idiosyncratic interpretation of "the regular forces" has no support in the statutory text.

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Respondents demonstrated that every metric typically considered in statutory interpretation cases shows that "the regular forces" means the professional military. Resp. Supp. 3-7. This includes dictionary definitions from the time section 12406(3) was enacted, contemporaneous decisions of this Court, and examples of Congress's other usages of "regular" and "forces" in Title 10 and elsewhere in the United States Code. *Id.* Applicants make no meaningful argument to the contrary: they address none of these sources and, in fact, concede that "'regular forces' may in other situations refer to the standing military." Appl. Supp. 3. Applicants nevertheless assert that an idiosyncratic interpretation of "the regular forces" is warranted because of the term's "function" in section 12406(3), and because that "function" purportedly is confirmed by the overall "structure of Section 12406." *Id.* at 3-4.[1] Applicants are incorrect.

1. First, applicants argue that it would be "unnatural" to construe "the regular forces" to refer to the military because "the standing military does not regularly execute the laws" given the prohibitions in the Posse Comitatus Act. Appl. Supp. 3 (cleaned up). But interpreting "the regular forces" to mean the professional military is fully consistent with that Act. As applicants recognize, certain federal statutes, including the Insurrection Act, create exceptions to the Posse Comitatus Act and thus authorize the President to use the military to enforce federal law in limited circumstances. *Id.*; see also Resp. Supp. 13; Cal. & Or. Br. 6-8. To be sure, the requirements for invoking the Insurrection Act are demanding, Resp. Supp. 12-13,

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[1] Applicants also mention the President's Article II authority. Appl. Supp. 3, 11. But any reliance on Article II would be misplaced because, among other reasons, the President did not rely on Article II to federalize and deploy the National Guard in Illinois, Doc. 62-1, and, in any event, the Constitution commits the power to provide for calling forth the militia to Congress, which has specified the circumstances in which the militia may be called forth into federal service, *infra* p. 7.

but this is unsurprising given the "traditional and strong resistance of Americans to any military intrusion into civilian affairs," *Laird v. Tatum*, 408 U.S. 1, 15 (1972). Regardless, the Posse Comitatus Act's prohibition on using the military to execute federal law is not categorical, Cal. & Or. Br. 7-8, with the result that interpreting "the regular forces" consistently with the ordinary meaning of that term would not bring section 12406(3) into conflict with that Act.

By contrast, accepting applicants' interpretation would create a conflict between section 12406(3) and section 12405. Section 12405 provides that National Guard members "called into Federal service" are "subject to the laws and regulations governing the Army [and] Air Force . . . , except those applicable only to members of the Regular Army or Regular Air Force." 10 U.S.C. § 12405. The laws governing the Army and Air Force include the Posse Comitatus Act, which applies not only to the Regular Army and Air Force but also to "any part" of those branches. 18 U.S.C. § 1385. And those branches include any federalized members of the Army and Air National Guards. 10 U.S.C. §§ 10106, 10112. In other words, notwithstanding the fact that the federalized Guard is treated as the military for purposes of the Posse Comitatus Act, applicants' interpretation would introduce a disparity between them by allowing Guard members to execute federal law in circumstances where their full-time counterparts would be unable.

2. Second, applicants argue that the "structure" of section 12406 "confirms" their interpretation because sections 12406(1) and (2), unlike section 12406(3), do not include a requirement that the President determine that he is unable to achieve his goals with the regular forces before federalizing the National Guard. Appl. Supp. 3-4. Applicants posit that it would be "entirely backwards" for Congress to have empowered the President to deploy the National Guard to execute federal law without first determining whether he was able to use the military alone, but not to require such a determination before deploying the Guard to address an invasion or rebellion. *Id.* at 4. But such speculation cannot override the clear textual and historical evidence that Congress *did* intend for the statute to operate in this manner. Resp. Supp. 3-10. Moreover, there are multiple reasons why Congress would have made this choice, including the weighty federalism concerns that are implicated when the President federalizes a state National Guard and deploys it to conduct law enforcement activities that traditionally fall within the State's police powers. Similarly, Congress may have considered that if the country were facing an invasion by a foreign country or a domestic rebellion, the President should be able to use all resources available, without first deciding whether the invasion or rebellion could be addressed through the full-time military alone. *Clinton v. City of N.Y.*, 524 U.S. 417, 445 (1998) ("in the foreign affairs arena, the President has a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved") (cleaned up).

In the end, applicants' discussion of the text reduces to a policy argument, which has no place when resolving questions of statutory interpretation. *United*

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States ex rel. Schutte v. SuperValu Inc., 598 U.S. 739, 757-758 (2023); accord *SAS Inst., Inc. v. Iancu*, 584 U.S. 357, 368 (2018) (cited at Resp. Supp. Br. 2).

B. History and tradition provide no reason to depart from the settled meaning of "the regular forces" and confirm that the term refers to the military.

As explained, Resp. Supp. I.B, when Congress enacted the precursor to section 12406(3), it made clear through text, context, and legislative history that it was codifying the presidential practice of deploying the military before the militia in domestic emergencies, and that the National Guard would serve a backup role to the military in those situations. Applicants, however, suggest that the Court should ignore those sources and instead focus on the Founders' distrust of standing armies. Appl. Supp. 4-6. But applicants draw the wrong conclusion from this history: while the Founders' distrust of standing armies confirms that Congress empowered the President to deploy the military domestically only in extremely rare circumstances, Resp. Supp. II, that distrust does not prove anything about, when those extremely rare circumstances arise, the order of operations that Congress set forth for various military assets. Furthermore, to the extent there was a tradition of deploying the militia rather than the military in domestic emergencies, Appl. Supp. I.B.2, that tradition reflects the deployment of the militia under *state* control, not *federal* control, as the President seeks to do here.

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1. Founding-era concerns about standing armies do not support applicants' position that "the regular forces" means civilian law enforcement. Appl. Supp. I.B.1. At the outset, such concerns are not probative of the meaning of a term that Congress wrote into a statute in the early twentieth century, and did so informed by a century of experience revealing the capabilities and competencies of the miliary compared to the militia. But even if these concerns were relevant, this Court should consider additional context confirming that the Founders did not agree with applicants' bottom-line position here. For instance, and contrary to applicants' suggestion, Appl. Supp. 5, 7, James Madison did not view the militia as a substitute police force. During ratification, he defended the Calling Forth Clause by noting: "There is a great deal of difference between calling forth the militia, when a combination is formed to prevent the execution of the laws, and the Sheriff or Constable carrying with him a body of militia to execute them in the first instance"; the latter "construction [is] not warranted by the clause." 10 *The Documentary History of the Ratification of the Constitution* 1303 (John P. Kaminski & Gaspare J. Saladino eds., 1993); see also Federalist No. 26, at 23 (Alexander Hamilton viewed militia as "auxiliary" to the army).

Applicants' observation that the 1792 and 1795 Militia Acts did not "require the President to first determine that the standing army was unable to address the problem before he could call forth the militia," Appl. Supp. 5-6, proves nothing. As explained, Resp. Supp. 8, presidents lacked authority to deploy the military

domestically until the 1807 Insurrection Act. Thus, although applicants allude to the Whiskey Rebellion, Appl. Supp. 4, President Washington's decision to deploy the militia in 1794 without first considering the military is unsurprising. And when in 1807 Congress gave presidents the ability to use the military domestically—albeit only where it was "lawful . . . to call forth the militia," 2 Stat. 443—presidents "nearly always chose to use regulars." Robert W. Coakley, *The Role of Federal Military Forces in Domestic Disorders, 1789-1878*, at 347 (1988); Resp. Supp. 8.

2. Applicants also incorrectly assert that "there is no indication that, merely by using the term 'regular forces,' Congress intended to reverse the historical preference for using the militia rather than the standing army to address domestic disturbances obstructing execution of federal law." Appl. Supp. 7. For starters, there was no historical preference for using the *federalized* militia. Indeed, applicants' suggestion that state militias were "called upon 'for riot duty 328 times between 1886 and 1895,'" *id.* at 6 (quoting Robert Reinders, *Militia and Public Order in Nineteenth-Century America*, 11 J. Am. Stud. 81, 98 (1988)), is misleading. The quoted source is referring to instances when "*state governors* called on the National Guard," Reinders, *supra*, at 98 (emphasis added)—as some state militias were known at the time, *id.* at 95. In other words, these instances establish a tradition of governors calling forth their own militia and, if needed, requesting assistance from the federal government and other States. *E.g.,* Richard White, *The Republic for Which it Stands* 347-352 (2017) (during Great Railroad Strike of 1877, governors of West Virginia, Pennsylvania, and Illinois each deployed their own militias first, and the President subsequently sent federal troops at governors' request).[2]

Furthermore, there is substantial evidence that, with the Dick Act, Congress intended to codify the established presidential practice of using the professional military, rather than the militia, when federal interference was warranted. Resp. Supp. 9. By contrast, applicants present no evidence that Congress intended for the National Guard to supplement civilian law enforcement when it sought to "transform the [militia] into an effective fighting force." Appl. Supp. 6 (cleaned up). Instead, as applicants acknowledge, the purpose of the Dick Act was to "'improv[e] the efficiency of the National Guard as the second line of the country's defense *in time of war*.'" *Id.* (quoting H.R. Rep. No. 57-1094 (1902) at 2 (emphasis added)). Accordingly, the Dick Act made the National Guard more like the professional military and less like a "constabulary" force. Clayton D. Laurie & Ronald H. Cole, *The Role of Military Forces in Domestic Disorders 1877-1945*, at 188 (1997).

3. Finally, applicants mischaracterize President Nixon's use of the National Guard during the postal strike of 1970. Appl. Supp. I.B.3. As Professor Lederman has explained, that episode is legally and factually distinguishable. Lederman Br.

[2] The few examples of presidents relying on the militia over the objection of the States each occurred during the mid-twentieth century, and in none did the President rely on section 12406(3). See Alan Hirsch, *The Militia Clauses of the Constitution and the National Guard*, 56 U. Cin. L. Rev. 919, 947 n.144 (1988); Former Governors' Br. 10-11.

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18-19 n.11; Lederman Supp. 17-18. Legally, a different statute from section 12406(3) provided "the only authority used in the mobilization order." United States Army, After Action Report: *Operation Graphic Hand, 1970*, at 154 (Aug. 27, 1970) (Annex E at 2) (referring to precursor to 10 U.S.C. § 12301(a), which authorizes the mobilization of reserve units when the President declares a national emergency). Factually, President Nixon had also authorized the use of active-duty troops, *id.* at 148-151 (Annex D at 1-1 to 1-4), and the ongoing Vietnam War explains why he was "unable solely with the regular forces" to process the mail, Exec. Order 11519, Preamble (Mar. 23, 1970), 35 Fed. Reg. 5003 (1970).

II. The President's section 12406(3) determination, which is judicially reviewable, must show an inability to execute federal law with the military.

A. The President's section 12406(3) determination is reviewable.

1. Applicants rely primarily on their argument—rejected even by some of their amici, see Iowa Br. 5 (endorsing Ninth Circuit's alternative approach)—that *Martin v. Mott*, 25 U.S. (12 Wheat.) 19 (1827), precludes review here. Appl. Supp. 8-10. But as explained, Resp. Br. 21-26, this argument overreads *Martin*, which addressed whether subordinate officers, not courts, could review the President's decisionmaking during a war with "the most powerful empire on earth." Appx. 95-96. The decision thus does not render applicants likely to succeed in showing that the judiciary cannot interpret and apply the restrictions that section 12406(3) imposes on the use of the National Guard for domestic law enforcement during peacetime. Resp. Br. 21-26; Appx 95a-96a. Instead, this Court's precedents applying *Martin* make clear that "courts may at least review the President's determination to ensure that it reflects a colorable assessment of the facts and law within a 'range of honest judgment.'" *Newsom v. Trump*, 141 F.4th 1032, 1051 (9th Cir. 2025) (quoting *Sterling v. Constantin*, 287 U.S. 378, 399 (1932)).

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2. Applicants also contend, for the first time, that the presumption of regularity afforded to certain official actions requires courts not only to presume that the President made a factual finding on an issue there is no indication he even considered, but also assume that he applied the proper legal standard. Appl. Supp. 9-10. Applicants are incorrect. The presumption of regularity does not require courts to uphold executive actions "whenever it is possible to conceive a basis" for them. *Bowen v. Am. Hosp. Ass'n*, 476 U.S. 610, 626 (1986) (plurality op.) (presumption of regularity "is not equivalent" to rational basis review). Rather, it simply reflects the commonsense notion that public officers generally follow the law. See, *e.g.*, *United States v. Chem. Found., Inc.*, 272 U.S. 1, 14-15 (1926). But applicants go much further, asserting that the Court must assume, without supporting evidence, that the President correctly interpreted the term "the regular forces"—a term never before analyzed by any court—to include the professional military, and that he made the requisite factual findings under that standard, *sub silentio*, notwithstanding that he

has affirmatively asserted throughout this and other litigation that "the regular forces" does not mean the military. Appl. Supp. 9.[3] Applicants cite no precedent making a remotely comparable logical leap, and respondents are not aware of any.

3. Applicants' references to the President's constitutional authority over the armed forces and foreign affairs also do not defeat reviewability. Appl. Supp. 9-10. First, the Constitution commits the power of "calling forth the Militia" to Congress, not the President. U.S. Const. art. I, § 8, cl. 15. "The source of the President's power to federalize the National Guard is [therefore] statutory, not constitutional." *Newsom*, 141 F.4th at 1046. And when the President violates the "will of Congress" as expressed in a statute, "his power is at its lowest ebb." *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 637 (1952) (Jackson, J., concurring). Thus, to the extent constitutional considerations are relevant to reviewability here, they cut *against* overreading the President's authority under section 12406(3). Second, in any event, applicants cannot evade judicial review by invoking foreign or military affairs. "In general, the judiciary has a responsibility to decide cases properly before it," and courts routinely fulfill that responsibility in cases with significant implications for international relations or the armed forces. *Zivotofsky ex rel. Zivotofsky v. Clinton*, 566 U.S. 189, 194 (2012). To be sure, as the lower courts recognized, Appx. 64-65, 96, that review will likely afford great deference to the President. But there is no basis to avoid any review at all.

Indeed, the case on which applicants principally rely, *Gilligan v. Morgan*, 413 U.S. 1 (1973), confirms that review is available. There, the Court held that a request for "continuing surveillance" of the Ohio National Guard's "training, weaponry and orders" was nonjusticiable, in part because of the long-term, intrusive remedy sought, and in part because the Guard had implemented relevant policy changes, potentially mooting the case. *Id.* at 4, 10-11 & n.15. But the Court "neither h[e]ld nor impl[ied] that the conduct of the National Guard is always beyond judicial review or that there may not be accountability in a judicial forum for violations of law for specific unlawful conduct by military personnel." *Id.* at 11-12. And it contrasted the case with one "seeking a restraining order against some specified and imminently threatened unlawful action." *Id.* at 5. This case falls in that category: respondents seek relief to redress an ongoing violation of statutory requirements. In other words, judicial review here properly "enforce[s] a specific statu[te]" without interfering with

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[3] The second half of this assumption would require the President to conclude that he *could* deploy the regular forces consistent with the Posse Comitatus Act, since he otherwise could not deploy the National Guard under section 12406(3). See Resp. Supp. 12, 14; but see *id.* 12-14 (explaining why this conclusion would be unsupportable). After all, applicants have not advanced the view, proposed by one of their amici, that section 12406's use of "unable" includes inability to deploy the military due to the Act. ACLJ Br. 5. And understandably so. That interpretation would effectively nullify that Act by authorizing the President to employ the Guard for law enforcement at any time *except* when the Posse Comitatus Act permits the use of regular forces and those forces are sufficient to execute the law. See 10 U.S.C. § 12406(3). There is no reason to conclude that Congress intended such an incoherent scheme. See Lederman Supp. 23 n.11.

appropriate exercises of discretion by the Executive. *Zivotofsky*, 566 U.S. at 196. "This is what courts do." *Id.* at 201.

B. The President has not shown an inability to execute federal law with the military.

Applicants finally argue that a stay is warranted even if "the regular forces" means the "standing military" and the President's invocation of section 12406 were subject to judicial review. Appl. Supp. 10. According to applicants, "there was, to say the least, a 'colorable basis' for the President to conclude that, in Illinois, he was unable to execute the laws within the meaning of Section 12406(3) with the standing military." *Id.* (quoting *Newsom*, 141 F.4th at 1052). This is incorrect.

1. To start, applicants ignore that the lower courts assessed the President's section 12406 determination under the deferential standard that they seek. As explained, Resp. Br. 26-33, the Seventh Circuit's analysis was based on the premise that the President's "evaluation of the circumstances" must be "afford[ed] great deference," Appx. 99, because "when it comes to collecting evidence and drawing factual inferences in the domain of national security and foreign relations, the lack of competence on the part of the courts is marked, and respect for the Government's conclusions is appropriate," *id.* at 96-97 (cleaned up). Thus, the court not only relied on applicants' standard, but did so based on the same underlying reasoning asserted in their supplemental brief.

Applicants also suggest that the President's determination could be subject to something "akin to 'rational basis review,'" Appl. Supp. 10 (quoting *Hawaii v. Trump*, 585 U.S. 667, 704 (2018)), under which the decision that the President was unable to execute the laws with the military "could 'be based on rational speculation unsupported by evidence or empirical data,'" *id.* (quoting *FCC v. Beach Communications, Inc.*, 508 U.S. 307, 315 (1993)). But the portion of *Hawaii v. Trump* applicants cite involved a very different type of legal theory—an Establishment Clause claim arising out of a presidential proclamation addressing "the admission and exclusion of foreign nationals." 585 U.S. at 702. By contrast, when addressing whether the President made sufficient findings under the relevant statute (which is closer to the circumstances here), the Court focused on the fact that there was a thorough process that culminated in "a Proclamation setting forth extensive findings." *Id.* at 685.

2. Applicants next wrongly claim that the conditions in Illinois were sufficient for the President to invoke section 12406 with respect to the "standing military." Appl. Supp. 10-11. At the threshold, section 12406(3) does not set forth the standard for deploying the professional military in domestic law enforcement scenarios; instead, it establishes the order of operations as between the military and the National Guard when the President is unable to execute federal law. Resp. Supp. 12. And, as explained, *id.* at 12-14, the President has not satisfied any standard that

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would apply to the deployment of the military. Furthermore, applicants have never claimed that the President actually determined that deploying the military in Illinois would be warranted under any source of authority, statutory or constitutional. Instead, applicants speculate that the President *could* have satisfied the standard to deploy the professional military *if* he had considered it when deciding to invoke section 12406 to federalize and deploy the National Guard. Appl. Supp. 11. But they provide no authority to support this view—specifically, that courts should defer to the President about the validity of a statutorily required finding, notwithstanding that, on the one hand, there is no evidence that said finding was made and, on the other, the President has consistently asserted in this litigation that the finding was not legally required. Contra *Hawaii*, 585 U.S. at 707-708 (noting the explicit premise stated in the proclamation).[4]

In any event, the speculative reasons applicants provide are belied by the record. They claim that "the President could reasonably have determined that the members of the National Guard—with their greater local knowledge, ties to the community, and domestic focus—would be more effective than active-duty soldiers in addressing [threats to ICE agents]." Appl. Supp. 11. But this cannot be true, since the President deployed troops from California and Texas into Illinois, and those troops arrived before the Illinois Guard had mobilized. Doc. 62-3 at 2-3. Similarly, applicants' reliance on the allegedly "tepid" response of state and local law enforcement, Appl. Supp. 11, is inconsistent with their assertions—including one on the same day as their supplemental brief—in other litigation that the response has been so effective that federal efforts are no longer necessary. See Resp. Supp. 15; *Chi. Headline Club v. Noem*, No. 25-3023, Doc. 9 at 9 (7th Cir. Nov. 10, 2025). As to the statement by one of respondents' witnesses about the mindset of military troops, Appl. Supp. 11, that addressed all military troops, "including members of the National Guard," while explaining that they "do not receive the training necessary to engage in domestic law enforcement," Doc. 13-7 ¶ 37.

To be sure, there may be circumstances in which the President could lawfully conclude that the military was "unable" to execute federal law for reasons other than there being no troops available. *E.g.*, Hearings Before the Special Subcomm. to Inquire into the Capability of the National Guard to Cope with Civil Disturbances of the House Comm. on Armed Servs., 90th Cong. 1st Sess. 5821 (1967) (testimony of Martin F. Richman) ("unable" does not require President to "exhaust every soldier, marine, airman, and sailor that he has in the Armed Forces throughout the world before he can call a single National Guardsman to assist in executing the laws of the United States"). But regardless of the precise contours of the term "unable," the

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[4] Applicants note that to the extent there is a lack of evidence in the record on "this specific factual issue, that is only because respondents never argued that the term 'regular forces' referred to the standing military." Appl. Supp. 11. But it is hard to see how respondents' position in the district court—which was stated in response to the court's questioning at a hearing that occurred after briefing was complete, 7th Cir. Doc. 6 at A346—could have prevented applicants from presenting evidence on this point.

circumstances here do not come close to satisfying it, given that there is no indication that the President considered deploying the military to Illinois, let alone that he made a determination that the military was "unable" to execute federal law.

3. Finally, applicants wrongly state that "there is ample support" for the deployment of the National Guard "in the record created in parallel litigation" in California and Oregon. Appl. Supp. 11. Most obviously, a factual record developed by other litigants that addresses conditions in other States cannot establish that the President would have had a sufficient basis to deploy the military in Illinois if he had decided to undertake that analysis. Even so, applicants present the record out of context. For example, the quoted Oregon testimony about the National Guard's "calming effect" did not relate to the challenged deployment or even law enforcement generally, but rather explained how this quality is useful during natural disasters. *Oregon v. Trump*, No. 25-cv-1756, Doc. 144 at 597-598 (D. Or. Nov. 7, 2025). Likewise, the California testimony about the division of labor between the Marines and the National Guard does not show that the President "adher[ed] to [the] practice" of relying on the military "to quell domestic violence only when no other solution seems possible." Appl. Supp. 12 (cleaned up). The testimony simply relayed that when deployed, the Marines did not have specific assignments, so "it was decided because . . . they protect embassies around the world, that they were better prepared, better trained, more aware of how to protect a government facility, that that would be a better job for them." *Newsom v. Trump*, No. 25-cv-4870, Doc. 163 at 214-215 (N.D. Cal. Aug. 17, 2025).

In sum, applicants' request for a stay pending appeal should be denied. The President has not attempted to, nor could he, satisfy any standard for deploying the National Guard in Illinois over the State's objection. Applicants' supplemental briefing and their recent statements and actions confirm this, as well as that there are no circumstances in this case warranting emergency relief.

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Sincerely,

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