

Opening remarks of Illinois Attorney General Kwame Raoul  
January 6, 2026 Hearing

Mr. Chair and members of the Committee, I'm honored to testify in front of you this afternoon.

Today, I want to address the work that I and several of my state Attorney General colleagues are doing to protect the rule of law.

The rule of law isn't an abstract concept; it is the principle that laws are applied in a consistent and predictable manner.

The rule of law ensures that the Constitution's bedrock principles of separation of powers, state sovereignty, democratic accountability, due process, and equal protection under the law can be relied upon.

To protect the rule of law, in 2025, I collaborated with other state attorneys general to file 48 lawsuits and more than 100 amicus briefs.

Those lawsuits have successfully addressed dozens of issues including education and the environment, privacy and public health, birthright citizenship and tariffs, and state sovereignty and public safety.

One particularly critical example of executive overreach and the need to protect the rule of law has been the president's efforts to federalize and deploy the Illinois and Texas National Guards in Illinois, over our state's strong objections.

Let me be clear: the American people, regardless of where they reside, should not live under the threat of occupation by the United States military, particularly for the reason that their city or state leadership has fallen out of a president's favor.

With regard to deploying the National Guard, a president cannot go beyond the authority granted by Congress.

The Militia Clauses of the U.S. Constitution give Congress sole authority to decide what factual circumstances allow the president to federalize the National Guard.

In addition, the Posse Comitatus Act prohibits members of the military from engaging in civilian law enforcement activities.

There has been no emergency requiring a militarized response in Chicago or anywhere in Illinois.

The president's actions in Illinois were never about the federal government being unable to do its job through normal channels.

This has been about a president's desire to take the unprecedented and unconstitutional action of punishing certain American cities by militarizing them.

Since our country's founding, protecting against precisely this threat has been at the core of creating constitutional protections against executive overreach.

Alexander Hamilton stated in Federalist Paper 29 that just the suggestion that one state's militia could be sent to another state for the purposes of political retribution was "inflammatory," and that "it is impossible to believe that [a President] would employ such preposterous means to accomplish their designs."

Yet this is exactly what President Trump did.

This is an extraordinary moment in American history.

My office immediately filed suit to stop the president's unlawful and autocratic actions. Within days, we won a temporary restraining order in the district court.

Two weeks ago, the Supreme Court, in a 6-3 ruling, agreed with us.

In its decision, the Supreme Court recognized that deployment of the military to "execute the laws" is "exceptional," and held that "the Government has failed to identify a source of authority that would allow the military to execute the laws in Illinois."

I want to highlight that, during all of this federal interference by the president, our state and local law enforcement have shown, time and again, that they are effective at maintaining peace throughout Illinois.

And the Tenth Amendment preserves the state of Illinois' sovereignty and right to do so.

The president's public comments attempting to justify federalization of the National Guard have been that it is needed to address crime.

While Illinois, like nearly every state in the nation, has work to do to address crime and protect our residents, the inflammatory nature of the administration's words and actions are not making us safer.

President Trump's efforts to arbitrarily and unlawfully eliminate over \$150 million of federal funding designated for public safety purposes does not make us safer.

That is why we have successfully defended against such threats in court.

The fact that the president has redeployed a significant number of federal law enforcement agents to participate in civil immigration enforcement is not making us safer.

Illinois law enforcement agencies work hand-in-hand with federal law enforcement partners to investigate, arrest, and prosecute crimes.

I have spent years building constructive and productive partnerships with federal law enforcement professionals dedicated to combatting violent crime including the FBI, ATF, DEA, Secret Service and Homeland Security Investigations.

Those partnerships, which are ongoing, have yielded numerous prosecutions that our office has handled, of both citizens and non-citizens, engaged in firearms trafficking, human trafficking, child sexual abuse, and organized retail crime.

## **CONCLUSION**

This system of the rule of law that keeps order and protects the people of this great country from harms only works if all of those who swear to uphold our constitution and laws abide by that promise.

In seeking to protect public safety, state sovereignty, and so many other principles, I and my partner state Attorneys General are unafraid to defend the rule of law with litigation, legal support, and public communications that are informed, urgent, and unwavering.

We have done so on behalf of all Americans, and we will continue to do so when it is required of us.

Thank you for inviting me to speak today. I'm happy to answer any questions.