

United States Senate

WASHINGTON, DC 20510

COMMITTEES:

AGRICULTURE, NUTRITION,
AND FORESTRY

ARMED SERVICES

HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

VETERANS' AFFAIRS

August 18, 2026

General Dan Caine
Chairman of the Joint Chiefs of Staff
9999 Joint Staff Pentagon
Washington, DC 20318-9999

Dear General Caine,

As we approach the November 2026 elections, I'd ask you to confirm a simple statement: the Department of Defense will not send Federal troops to the polls or to seize election materials of any kind. The President has made it clear through speeches, statements, official guidance, and continued legal action that he is seeking to use all possible tools to interfere with the midterms, to include publicly lamenting that he did not send Federal forces to the polls in 2020. So when and if the President orders the use of Federal troops in November, it will fall on you and the Secretary of Defense to make a fundamental choice on how to respond. I therefore hope you will confirm that deploying the military to polling places for political purposes would undermine the integrity of our free and fair elections, pose an existential threat to our democracy, and taint the military as a politicized institution.

It is hard to miss that the President is laying the groundwork to send troops to the polls during the midterm elections. President Trump has made clear his belief that the only way Republicans can lose the midterms is if they are stolen.ⁱ He has said the 2020 election was rigged over 100 times this year and that he would like to "nationalize" our elections.ⁱⁱ He is attempting to change the rules of the Postal Service to disrupt mail-in voting, used the FBI to seize local election records in Georgia, and sued for voter rolls in Michigan and 29 other states.ⁱⁱⁱ On May 12, he would not rule out sending troops to polling places during the midterms, just like Secretary Hegseth, Secretary Mullin, and other officials have refused to do under oath.^{iv} He has called for using the military against what he described as "the enemy within" on election day, and he lamented not signing an executive order in 2020 directing the military to seize voting machines and election materials in Michigan and other states.^v Last year, he deployed 7,000 troops into American cities over the objections of their governors and threatened to invoke the Insurrection Act to use the military for domestic law enforcement.^{vi} The story is clear as day. As someone who barricaded herself in her office on January 6, 2021, and faced an attempted criminal indictment at the President's direction, I have learned to believe him when he tells us what he is going to do.

To be clear, it is unlawful to deploy troops to interfere with our elections. Since 1865, Federal law has prohibited deploying the military to polling places except to "repel armed enemies of the United States"—an exception no President has ever invoked, including during World War II or just after September 11th.^{vii} Earlier this year, the Commander of Northern Command testified that he was unaware of any threat that met this standard and confirmed that sending troops to polling places for political purposes would be illegal.^{viii} I have asked the Department of Defense

and Department of Homeland Security for information on any threats to the election that rises to the level of needing Federal forces and have not received any data to support that claim.

We should be clear with the American public that it is also a crime for troops to interfere with election officials or seize election materials.^{ix} This issue has been taken so seriously by previous generations that the law states that servicemembers could face *criminal* liability, including up to five years in prison for touching voting machines or ballots.

The nonpartisan tradition of military service and the constitutional guardrails that prevent our military from becoming a domestic police force for one political party are essential to maintaining our democracy. As one constitutional scholar put it, “If a president is truly determined to make himself a dictator, the question at the end of the day is whether the military and other force-deploying agencies of the Federal government are willing to go along.”^x Thus, our nation’s senior-most defense and security leaders are the final failsafe for our democracy.

Given that, I feel compelled to ask for your confirmation regarding the concerns below that fall squarely into the constitutional responsibilities that you swore to uphold. Before the 2020 election, I asked similar questions of Secretary Esper and General Milley, who provided responses that I have attached to this letter.

- Please confirm that the Department of Defense has no plans to and will not send active-duty troops or Federalized National Guard to polling places during the 2026 elections.
- Please confirm that you have no plans to and will not send active duty or Federalized National Guard to seize ballots, voting machines, or other election-related material, which is a violation of the law as laid out in Title 18, Section 593.
- If you were ordered by President Trump to send the military for political purposes to be present at the polls or to seize election materials, would you refuse such an order?
- If the President directed you to use the military to prevent the lawful seating of Members of Congress or state officials following the 2026 elections, would you refuse such an order?

I look forward to your response by August 28, 2026 on these issues that are critical to American democracy.

Sincerely,



Elissa Slotkin
United States Senator

Attachments:

- Secretary Esper answers to July 9, 2020 HASC Hearing Questions for the Record
- General Milley answers to July 9, 2020 HASC Hearing Questions for the Record

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- ⁱ “Trump, Democrats and Election Security in Pennsylvania Ahead of the Midterms,” NPR, March 12, 2026, www.npr.org/2026/03/12/nx-s1-5745129/trump-democrats-cheat-election-security-pennsylvania-midterms.
- ⁱⁱ Bo Erickson, “Trump Claims 2020 Election ‘Rigged’ at Least 107 Times in Six Months as Midterms Loom,” Reuters, May 26, 2026, www.reuters.com/world/us/trump-claims-2020-election-rigged-least-107-times-six-months-midterms-loom-2026-05-26/; Ana Faguy and Kayla Epstein, “Trump says Republicans ‘should take over the voting’ and ‘nationalise’ US elections,” BBC, February 3, 2026, <https://www.bbc.com/news/articles/c0mke841zj0o>; Michelle Stoddart, Emily Chang, and Alexandra Hutzler, “Trump Doubles Down on Suggesting Federal Government ‘Get Involved’ in State Elections,” ABC News, February 3, 2026, abcnews.com/Politics/trump-doubles-suggesting-federal-government-involved-state-elections/story?id=129826521.
- ⁱⁱⁱ “Ballot Mail for Federal Elections,” Federal Register, June 2, 2026, www.federalregister.gov/documents/2026/06/02/2026-10968/ballot-mail-for-federal-elections; Karen Martinez-Ochoa, Elizabeth O’Connor, and Patrick Berry, “Tracker of Justice Department Requests for Voter Information,” Brennan Center for Justice, August 28, 2025, www.brennancenter.org/our-work/research-reports/tracker-justice-department-requests-voter-information; Peter Stone, “Experts Alarmed as Trump Launches Broad-Front Attack on US Voting Rights,” The Guardian, June 16, 2026, www.theguardian.com/us-news/2026/jun/16/trump-voting-rights-elections.
- ^{iv} “President Trump Says He’s Willing to Send ICE, National Guard to the Polls in November,” C-SPAN, 2026, www.c-span.org/clip/white-house-event/president-trump-says-hes-willing-to-send-ice-national-guard-to-the-polls-in-november/5200208; Senator Slotkin Questions Markwayne Mullin on ICE at Polling Places, <https://www.youtube.com/shorts/7nH65PwCqMA>; Senator Slotkin Questions Secretary Hegseth on Troops at Polling Places, <https://www.youtube.com/shorts/6sZTRetDfw>; “Sen. Slotkin asks about Deploying National Guard to Polling Places in 2026 Elections,” C-SPAN, 2025, <https://www.youtube.com/watch?v=uJBtG6NgvmY>.
- ^v “Two Hours, Scores of Questions, 23,000 Words: Our Interview with President Trump,” The New York Times, January 11, 2026, www.nytimes.com/2026/01/11/us/politics/trump-interview-transcript.html; Betsy Woodruff Swan, “Read the never-issued Trump order that would have seized voting machines,” Politico, January 21, 2022, <https://www.politico.com/news/2022/01/21/read-the-never-issued-trump-order-that-would-have-seized-voting-machines-527572>.
- ^{vi} “Slotkin Leads Colleagues to Introduce Bill to Rein in Abuse of National Guard in Domestic Deployments,” U.S. Senator Elissa Slotkin, November 13, 2025, www.slotkin.senate.gov/2025/11/13/slotkin-leads-colleagues-to-introduce-bill-to-rein-in-abuse-of-national-guard-in-domestic-deployments/; Juliana Kim and Alana Wise, “Trump Threatened to Invoke the Insurrection Act (Again). What Is It?,” NPR, January 15, 2026, www.npr.org/2026/01/15/nx-s1-5678612/minneapolis-insurrection-act-trump-threats.
- ^{vii} 18 U.S.C. § 592; Natalie K. Orpett, Matt Roberts, and Lindsay Voss, “The Military and Elections, Part I: The Legal Wall,” Lawfare, July 8, 2026, www.lawfaremedia.org/article/the-military-and-elections--part-i--the-legal-wall.
- ^{viii} Senator Slotkin Questions General Guillot on Troops at Polling Places, https://www.youtube.com/watch?v=ZUYMDv_O1Mo.
- ^{ix} 18 U.S.C. § 593
- ^x Amber Phillips, “How Trump Is Becoming More Authoritarian,” The Washington Post, February 21, 2024, www.washingtonpost.com/politics/2024/02/21/how-trump-is-becoming-more-authoritarian/.

SECDEF ESPER ANSWERS TO JULY 9 HASC HEARING QFRS

QFR Title: Use of the Military for Political Gain

Requestors: Rep Elissa Slotkin, Rep Mikie Sherrill

Witness: Esper, Mark

QFR ID: HASC-22-008 QFR

Question Number: 8

Question: Over the past three years, we have seen time and again the politicization of the U.S. military. The list is long: sending active duty troops to the southern border, taking nearly \$10B from the Department of Defense budget for the border wall, withdrawing troops from northern Syria in advance of a Turkish incursion and then redeploying them to guard Syrian oil fields, downplaying the threats of COVID-19 for service members, threatening to deploy active duty troops to American cities against Governors' wishes, deploying the National Guard to Lafayette Square and moving unarmed protestors for the President's photo op at the St. John's Church on June 1. These events, particularly those in the past few months, seem to reinforce the idea that the President sees the military not as a constitutionally established instrument of government, but as an armed force that exists to serve him personally, for his own personal and political gains. This pains us, one of us a proud Army wife, stepmom to a new army officer, and former Acting Assistant Secretary of Defense, and the other a graduate of the U.S. Naval Academy, former Navy helicopter pilot, and former federal prosecutor. We believe -- and hope that you agree -- that the American people need and want our military to adhere strictly to its tradition of remaining apolitical. This is especially important given the significant authority and fire power of the Department of Defense. Given the above events, we feel compelled to look ahead to decisions that you, as the most senior defense officials, may be called upon to make in the next six months. These decisions will fall squarely into the constitutional roles that you both swore to uphold and we know you both respect. Mr. Secretary, Chairman Milley, we are relying on you to preserve the system that our founding fathers designed. First, on conducting military operations outside the United States ahead of an election: - Do you agree that the U.S. military powers should be used only to advance the national security of the United States, and not for any one president's political gain? - If the President proposes military action in the next few months that was meant to distract the American public instead of protect American security, would you refuse such an order?

Answer: Throughout our nation's history, the U.S. military has been a force for good. The Department of Defense's enduring mission is to provide combat-credible military forces needed to deter war, defend our nation, and protect the security of our nation. The Department of Defense remains committed to carrying out this mission, consistent with the Constitution and the law.

QFR Title: Use of Military in National Elections

Requestors: Rep Elissa Slotkin, Rep Mikie Sherrill

Witness: Esper, Mark

QFR ID: HASC-22-009 QFR

Question Number: 9

Question: Second, on the use of military forces in our national elections: As you are likely aware, there is almost no precedent for deploying uniformed military members to the polls on election day. Are there any circumstances in the 2020 elections when you would deem it necessary to send the U.S. military to be present at polling places? - Do you believe that the military should be involved in administering or tallying results of an election? - If you were ordered to send active duty military to be present at the polls during election day, would you refuse such an order?

Answer: The U.S. military has acted, and will continue to act, in accordance with the Constitution and the law.

QFR Title: The Military's Role in a Peaceful Transition of Power

Requestors: Rep Elissa Slotkin, Rep Mikie Sherrill

Witness: Esper, Mark

QFR ID: HASC-22-010 QFR

Question Number: 10

Question: Third, on the military's role in supporting a peaceful transition of presidential power: - Are you aware that the U.S. Congress certifies the results of the electoral college? - Do you commit to facilitating a peaceful transition of power that reflects the certification of Congress? - Are you both committed to the principle that there can only be one President at a time? - Do you both recognize that your oaths to the Constitution and the chain of command itself require you to act on the orders of the legitimate President, and only the legitimate President, once he or she is sworn in on January 20, 2021?

Answer: The U.S. military has acted, and will continue to act, in accordance with the Constitution and the law.

QFR Title: Use of Military in Peaceful Transition

Requestors: Rep Elissa Slotkin, Rep Mikie Sherrill

Witness: Esper, Mark

QFR ID: HASC-22-011 QFR

Question Number: 11

Question: Finally, you both affirmed to the Armed Services Committee on July 9, 2020 that you are aware that, under the Constitution, the duly elected President is the sole commander-in-chief of the United States. You both further affirmed that you are aware that the chain of command runs from the duly elected President as commander-in-chief to the Secretary of Defense, and from the Secretary of Defense to the commanders of the combatant commands. Secretary Esper, you confirmed that you are aware that Secretaries of Defense serve at the pleasure of the President, subject to the advice and consent of the Senate, and can be removed by the President at his or her legal discretion. General Milley, you confirmed that you are aware that the Uniformed Code of Military Justice criminalizes mutiny and sedition and attempted mutiny and sedition and applies to every uniformed member of the Armed Services, including

yourself. You both affirmed your oaths to the Constitution, and affirmed that your oath requires you to support and defend the Constitution of the United States against all enemies foreign and domestic and bear true faith and allegiance to the same. Finally, you both confirmed your understanding of the Insurrection Act, which provides, “Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion.” A legitimate President, therefore, might well have a factual basis to deem an illegitimate president claiming power to be acting in “rebellion against the authority of the United States,” and in turn to consider utilizing Insurrection Act authorities should it otherwise be “impracticable to enforce the laws of the United States.” Anyone in the chain of command would, in turn, be legally compelled to obey the legitimate President’s orders—and not any orders of the illegitimate president. - Is that correct? - If somebody other than the legitimate President as certified by Congress ordered you to use the military to prevent the peaceful transition of power from one President to another, would you refuse such an order?

Answer: The U.S. military has acted, and will continue to act, in accordance with the Constitution and the law.

QFR Title: Use of the Military for Political Gain

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Question: Over the past three years, we have seen time and again the politicization of the U.S. military. The list is long: sending active duty troops to the southern border, taking nearly \$10B from the Department of Defense budget for the border wall, withdrawing troops from northern Syria in advance of a Turkish incursion and then redeploying them to guard Syrian oil fields, downplaying the threats of COVID-19 for service members, threatening to deploy active duty troops to American cities against Governors' wishes, deploying the National Guard to Lafayette Square and moving unarmed protestors for the President's photo op at the St. John's Church on June 1. These events, particularly those in the past few months, seem to reinforce the idea that the President sees the military not as a constitutionally established instrument of government, but as an armed force that exists to serve him personally, for his own personal and political gains. This pains us, one of us a proud Army wife, stepmom to a new army officer, and former Acting Assistant Secretary of Defense, and the other a graduate of the U.S. Naval Academy, former Navy helicopter pilot, and former federal prosecutor. We believe -- and hope that you agree -- that the American people need and want our military to adhere strictly to its tradition of remaining apolitical. This is especially important given the significant authority and fire power of the Department of Defense. Given the above events, we feel compelled to look ahead to decisions that you, as the most senior defense officials, may be called upon to make in the next six months. These decisions will fall squarely into the constitutional roles that you both swore to uphold and we know you both respect. Mr. Secretary, Chairman Milley, we are relying on you to preserve the system that our founding fathers designed. First, on conducting military operations outside the United States ahead of an election: - Do you agree that the U.S. military powers should be used only to advance the national security of the United States, and not for any one president's political gain? - If the President proposes military action in the next few months that was meant to distract the American public instead of protect American security, would you refuse such an order?

Answer:

I believe deeply in the principle of an apolitical U.S. Military. As the CJCS, I provide my best military advice to the President of the United States, Secretary of Defense, National Security Council and Homeland Security Council. I and every member of the Armed Forces take an oath to support and defend the Constitution of the United States, and to follow the lawful orders of the chain of command. As I testified at my Senate confirmation hearing, any Soldier, Sailor, Airman or Marine, regardless of rank, including myself, will comply with all lawful orders. I will not follow an unlawful order.

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Answer:

The Constitution and laws of the U.S. and the states establish procedures for carrying out elections, and for resolving disputes over the outcome of elections. State and Federal governments have qualified officials who oversee these processes according to those laws. We are a nation of laws. We follow the rule of law and have done so with regard to past elections, and will continue to do so in the future. I do not see the U.S. Military as part of this process; this is the responsibility of Congress, the Supreme Court, and components of the Executive Branch.

QFR Title: The Military's Role in a Peaceful Transition of Power

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- Are you aware that the U.S. Congress certifies the results of the electoral college? - Do you commit to facilitating a peaceful transition of power that reflects the certification of Congress? - Are you both committed to the principle that there can only be one President at a time? - Do you both recognize that your oaths to the Constitution and the chain of command itself require you to act on the orders of the legitimate President, and only the legitimate President, once he or she is sworn in on January 20, 2021?

Answer:

I am aware of Congress' role in certifying the results of the Electoral College, codified in Title 3 of the U.S. Code. In the event of a dispute over some aspect of the elections, by law U.S. courts and the U.S. Congress are required to resolve any disputes, not the U.S. Military. I foresee no role for the U.S. Armed Forces in this process. I and every member of the Armed Forces take an oath to support and defend the Constitution of the United States, and to follow the lawful orders of the chain of command. We will not turn our backs on the Constitution of the United States.

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Answer:

I recognize that there is only one legitimate President of the United States at a time in accordance with U.S. law. I along with the entire U.S. military will follow the lawful orders of the legitimate President of the United States as determined by law.