

**ALASKA STATE LEGISLATURE
JOINT ARMED SERVICES COMMITTEE**

November 12, 2025

1:01 p.m.

MEMBERS PRESENT

Representative Andrew Gray, Co-Chair
Representative Louise Stutes
Representative David Nelson
Senator Bill Wielechowski (teleconference)
Senator Kelly Merrick (teleconference)

MEMBERS ABSENT

Senator Scott Kawasaki, Co-Chair
Representative Maxine Dibert
Representative Ky Holland
Senator Forrest Dunbar
Senator Mike Shower

PUBLIC MEMBERS PRESENT

George Vakalis
Robert Doehl
Brigadier General (Retired) Julio Banez

PUBLIC MEMBERS ABSENT

Colonel (Retired) Tim Jones
Nelson Angapak
Commodore James Chase

OTHER LEGISLATORS PRESENT

Senator Elvi-Gray Jackson
Representative Galvin
Representative Coulombe

COMMITTEE CALENDAR

UPDATE(S) : TYPHOON HALONG DISASTER UPDATE

- HEARD

UPDATE(S) : JASC STATUTE RESTRUCTURING PROJECT

- HEARD

UPDATE(S): CONSTITUTIONAL CONCERNS ABOUT DEPARTMENT OF DEFENSE
POLICIES AND ACTIONS IN 2025

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

BRYAN FISHER, Director
Division of Homeland Security/Emergency Management
Department of Military and Veterans Affairs
Anchorage, Alaska

POSITION STATEMENT: Provided an update on the Typhoon Halong
Disaster.

KYLE JOHANSEN, Staff
Representative Andrew Gray
Alaska State Legislature
Anchorage, Alaska

POSITION STATEMENT: Provided an update on the Joint Armed
Services Committee Statute Restructuring Project.

CHRIS NELSON, Founder
Christopher Nelson and Associates
Anchorage, Alaska

POSITION STATEMENT: Testified on the Joint Armed Services
Committee Statute Restructuring Project.

KAREN FAIR J.D., LL.M., Attorney and Vice President
Improving One Life at a Time
Alcoa, Tennessee

POSITION STATEMENT: Provided testimony on constitutional
concerns about the Department of Defense policies and actions in
2025.

DANIEL MAURER, Associate Professor of Law
Northern Ohio University
Ada, Ohio

POSITION STATEMENT: Provided testimony on constitutional
concerns about the Department of Defense policies and actions in
2025.

ACTION NARRATIVE

[1:01:01 PM](#)

CO-CHAIR GRAY called the Joint Armed Services Committee meeting to order at 1:01 p.m. Present at the call to order were Representatives Nelson, Stutes and Co-Chair Gray; Public members present were George Vakalis, Robert Doehl and Brigadier General (retired) Julio Banez; Senators Merrick and Wielechowski joined thereafter via teleconference.

UPDATE(S) : TYPHOON HALONG DISASTER UPDATE

[1:01:54 PM](#)

CO-CHAIR GRAY announced the Typhoon Halong Disaster Update.

[1:02:31 PM](#)

BRYAN FISHER, Director, Division of Homeland Security/Emergency Management, Department of Military and Veterans Affairs, Anchorage, Alaska, provided an update on the Typhoon Halong Disaster.

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At ease.

[1:05:35 PM](#)

CO-CHAIR GRAY reconvened the meeting and announced Senator Merrick and Wielechowski joined the meeting via teleconference.

[1:06:06 PM](#)

MR. FISHER stated that the Typhoon Halong disaster is the worst he has seen in 31 years of state service. Over 650 homes in Western Alaska—primarily in the Yukon-Kuskokwim Delta—are destroyed or severely damaged, and about 700 people have been displaced, many now housed temporarily in Southcentral Alaska. He said many families will not be able to return home this winter, so the state is working with federal partners on long-term housing and infrastructure repairs. He said during Typhoon Halong, the Alaska Army and Air National Guard, the Coast Guard, and other armed services conducted heroic rescues, including rooftop hoists. Since then, state and federal agencies have mounted an all-hands response: Department of Transportation (DOT) & Public Facilities is repairing critical infrastructure; Department of Natural Resources (DNR), Forestry, and the Alaska Organized Militia are assisting with home cleanup and emergency winterization; and Department of Environmental Conservation (DEC) is addressing hazardous waste, fuel spills, and damage to

water and wastewater systems. He said the governor has declared a state disaster emergency from the North Slope Borough through the Kuskokwim Delta, and a federal disaster has been declared for the Northwest Arctic Borough and the Lower Yukon and Lower Kuskokwim areas.

[1:10:36 PM](#)

MR. FISHER stated that Alaska is assessing impacts in additional areas, including the Yukon-Koyukuk region, to determine whether they should be added to the federal disaster declaration. The primary mission is caring for displaced survivors, many of whom are staying with family, while about 650 are in non-congregate sheltering. Survivors were initially evacuated by the Alaska Air National Guard and housed in congregate shelters in Anchorage, but all have since been moved into hotel rooms. More arrivals are being placed directly into hotels. He said working with Alaska Housing Finance Corporation (AHFC), regional housing authorities, and property owners, the state is securing long-term temporary housing for the winter through federal disaster programs. He said schools across Alaska, including Anchorage, School District (ASD), have welcomed displaced students, and communities statewide, from Fairbanks to the Kenai Peninsula to the Mat-Su, have generously hosted families and pets. He said emergency repairs continue across the region, and once winter conditions halt work, the state will plan a major effort to complete repairs to damaged facilities and homes next summer.

[1:13:05 PM](#)

CO-CHAIR GRAY asked Mr. Fisher to talk specifically about how many National Guard members have been involved in the disaster response.

[1:13:33 PM](#)

MR. FISHER replied that over 200 members of the organized militia, including the State Defense Force and the Naval Militia, have supported the disaster response. The members have worked in Anchorage and Bethel coordinating logistics and transportation throughout the Yukon region and have assisted directly in affected villages and tribal communities with repairs and cleanup. He said this total also included personnel deployed to Kotzebue and the Northwest Arctic Borough after the earlier storm, helping with temporary home repairs so residents could remain in their communities.

[1:14:28 PM](#)

CO-CHAIR GRAY asked how quickly the residents were rescued.

[1:14:35 PM](#)

MR. FISHER replied that rescue operations began immediately under the Coast Guard and Air Force rescue coordination centers. Following the governor's disaster declaration, soldiers, airmen, and sailors were quickly placed on state active-duty orders. He said as additional needs emerged across the region, more personnel were activated and deployed to support affected communities and survivors.

[1:15:18 PM](#)

CO-CHAIR GRAY asked how many soldiers are still on orders and how long they are expected to remain on orders.

[1:15:27 PM](#)

MR FISHER stated that he will provide specific numbers to the committee at another time. He said response efforts are expected to continue through at least Thanksgiving, involving the organized militia and multiple state agencies. As winter limits the ability to complete temporary repairs, operations will be scaled back, with needs reassessed in the spring when barges resume operations. Additional service members may be activated again in the spring and summer to support recovery efforts.

[1:16:18 PM](#)

ROBERT DOEHL commended having a state coordinating officer with prior experience in Galena, noting that this background is valuable for understanding the challenges ahead. He emphasized that aviation like the C-17 transport aircraft and Army National Guard assets including the CH-47s was critical to the successful disaster response. He asked whether the Division of Homeland Security will continue to have authority to use National Guard aviation to support ongoing efforts in Western Alaska.

[1:17:04 PM](#)

MR. FISHER replied that Military aviation support will be gradually reduced. Private-sector aviation in Alaska has strong capabilities, and DOT&PF has already contracted a private CH-47 for sling-load operations. He said military aircraft were heavily used during the emergency phase to move survivors, personnel, and supplies, but operations are now transitioning back to private aviation.

[1:18:13 PM](#)

REPRESENTATIVE NELSON noted that National Guard flight hours have increased significantly in recent months, which is costly. He asked whether there are any concerns about funding

limitations next year or during the upcoming summer, particularly for wildlife management or rescue operations.

[1:18:53 PM](#)

MR FISHER replied that there are no immediate funding concerns for either commercial or military aviation support. He said because the President declared a federal disaster, most early costs, including military and aviation support, will be reimbursed by the federal government. He said he does not foresee funding issues for ongoing repairs through winter or for the larger repair effort in spring and summer. He remains in close contact with the congressional delegation and the governor's office and is grateful that a substantial portion of costs will be federally reimbursed.

[1:19:59 PM](#)

GEORGE VAKALIS noted that a similar disaster is likely to occur again in the area and asked what measures have been recommended or implemented to help with future events.

[1:20:21 PM](#)

MR. FISHER replied that the Department of Homeland Security/Emergency Management is meeting with the Kipnuk Tribal Council and other impacted communities to discuss disaster recovery programs that include mitigation measures. He said these measures include elevating homes and strengthening infrastructure, such as installing helical piles under boardwalks and boardroads, to withstand future storms. He said repairs will incorporate these strategies wherever possible.

[1:21:56 PM](#)

CO-CHAIR GRAY asked for a breakdown of the 200 personnel involved and asked whether most responders were local Guard members from the affected area or if personnel were primarily flown in from Anchorage.

[1:22:30 PM](#)

MR. FISHER replied that the response involved a mix of local personnel from Western Alaska and those brought in from Anchorage and other areas, including the Alaska State Defense Force, Army and Air National Guard, and Naval Militia. He said the effort was highly coordinated, and for those overseeing recovery, the specific component of each responder was largely irrelevant. He emphasized the dedication and heart of all volunteers, who put aside their regular jobs to support Alaskans in need. He said he can provide a detailed breakdown of personnel by component.

[1:23:56 PM](#)

CO-CHAIR GRAY asked whether the 200 personnel were sufficient for the response or if additional volunteers could have been placed on orders.

[1:24:20 PM](#)

MR. FISHER replied that the 200 personnel met the needs of the disaster response. Volunteers were only placed if there was meaningful work for them. The combined efforts of military with state, federal, and local partners provided sufficient capacity to assess the damage and begin repairs.

[1:25:08 PM](#)

JULIO (RANDY) BANEZ asked how the U.S. Coast Guard was involved with the Typhoon Halong response.

[1:25:21 PM](#)

MR. FISHER replied that the U.S. Coast Guard played a key role immediately after Typhoon Halong, conducting rescues and daily disaster response. Working with the Department of Environmental Conservation, they assessed waterways, hazardous materials, oil spills, and fuel storage, ensuring utility operations remained safe. The U.S. Coast Guard also performed flyovers and infrastructure assessments. He said the Arctic District, Sector Western Alaska, and U.S. Arctic provided early and ongoing support, coordinating through the State Emergency Operations Center to assist affected communities and maintain marine safety and pollution response efforts.

(S): JASC STATUTE RESTRUCTURING PROJECT

[1:27:38 PM](#)

CO-CHAIR GRAY announced the update of the Statute Restructuring Project. He said his intention is to continue discussions on rewriting the statute governing the Joint Armed Services Committee (JASC). He said most states already have a Military and Veterans Affairs (MVA) Committee, and Alaska now has both the House Special Committee on Military and Veterans Affairs and the newly created Alaska Military Affairs Commission, led by the lieutenant governor. Since Alaska is the only state with a permanent joint armed services committee, he wants to clarify this committee's future role to avoid duplicating the work of those other bodies. He noted that staff reviewed the original 1999 statute that focuses on Base Realignment and Closure (BRAC) and said the 1999 statute no longer reflects the committee's

activities, so that language has been removed. The committee now needs to determine a new purpose.

[1:29:59 PM](#)

REPRESENTATIVE NELSON asked if JASC was revised, would there be BRAC hearings.

[1:30:10 PM](#)

CO-CHAIR GRAY replied that while JASC could hold BRAC hearings if needed, he questioned what the committee's role should be if BRAC hearings are not part of its future responsibilities.

[1:30:23 PM](#)

REPRESENTATIVE NELSON replied that although BRAC hearings haven't occurred for decades, they could return. He stated that he would prefer to keep at least a small section in statute addressing BRAC hearings, even if it was less extensive than the current version.

[1:30:55 PM](#)

KYLE JOHANSEN, Staff, Representative Andrew Gray, Alaska State Legislature, Anchorage, Alaska, provided an update on the JASC Statute Restructuring Project. He replied that when BRAC effectively ended, Congress made a requirement to have a proactive act to re-establish BRAC. Although it's dormant, he said [Mr. Vakalis] emphasized the importance of keeping at least one BRAC-related provision to remind Alaska that the issue could return and to ensure it isn't forgotten.

[1:31:28 PM](#)

MR. DOEHL suggested that instead of focusing narrowly on BRAC, it may be better to focus on a broader force, structure or mission changes that would better capture these issues. He said these would allow consideration of internal departmental deliberations before they reach Congress.

[1:32:09 PM](#)

MR. VAKALIS agreed and emphasized that something should remain in the statute because BRAC could return, noting it has occurred four times in the past.

[1:32:42 PM](#)

CHRIS NELSON, Founder, Christopher Nelson and Associates, Anchorage, Alaska, testified on the Joint Armed Services Committee Statute Restructuring Project. He stated that he was the first staff director of JASC. He explained that the committee evolved from a BRAC-focused task force into a

permanent joint legislative committee addressing broader military issues, especially missile defense. JASC became proactive, advocating for new missions in Alaska and preparing for potential future force-structure or base realignments. He said non-legislative members contributed significant expertise, and the committee previously hired consultants to guide strategy. He suggested revisiting that work, noting that missions and global threats have shifted, creating new opportunities for Alaska. JASC also used to organize legislative base tours, including visits to Fort Greely and ADAK, to keep lawmakers informed about military operations.

[1:36:36 PM](#)

CO-CHAIR GRAY thanked Mr. Nelson for his work with JASC.

[1:36:42 PM](#)

MR. VAKALIS commented that JASC also worked with the FAA to support the Air Force's efforts to open additional training air corridors, which have since been established.

[1:37:02 PM](#)

CO-CHAIR GRAY stated that a recently created 15-member Alaska Military Affairs Commission, led by the lieutenant governor, focuses on expanding military presence, maximizing federal investment, and supporting service members and veterans. He noted that potential issues like missile defense proposals, such as President Trump's proposed \$75 billion Golden Dome at Fort Greely, might be more appropriate for JASC to address than for the House Military and Veterans Affairs Committee. He suggested drafting broader language to cover projects like Golden Dome and any future BRAC actions.

[1:38:08 PM](#)

MR. NELSON stated that Co-Chair Gray just created more work for his staff.

[1:38:18 PM](#)

MR. JOHANSEN noted that he hopes to submit a draft to legislative legal by early January so it can be introduced on the first day of session. He said it would be important to receive notice of any issues in the next 30-40 days.

[1:38:36 PM](#)

MR. VAKALIS stated that he met with key personnel from Elmendorf and Fort Richardson and identified areas where JASC could assist in the future; a list was created. He opined that keeping the committee's mandate generic would make it possible to include

most of the recommendations from the list since they were relevant to military readiness.

CO-CHAIR GRAY asked for the list.

MR. VAKALIS replied that the list was given to [Mr. Johansen].

[1:39:17 PM](#)

CO-CHAIR GRAY expressed concern about Alaska being the only state with a permanent Joint Armed Services Committee and a new Military Affairs Commission. He stated that his focus is ensuring JASC has a specific mission that does not duplicate the work of other bodies.

[1:39:49 PM](#)

REPRESENTATIVE NELSON asked whether JASC would eliminate the House Special Committee on Military Affairs.

[1:40:01 PM](#)

CO-CHAIR GRAY noted that JASC has never made legislative decisions so it should not replace the House Special Committee on Military Affairs, which is necessary for reviewing military related legislation. He opined that the committee would remain and has spoken with Representative Stapp to explain the commission's purpose and avoid overlap.

[1:40:42 PM](#)

REPRESENTATIVE NELSON noted that the Senate does not have a Military and Veterans Affairs Committee, but senators can still introduce related legislation, which typically goes through State Affairs. Given that Alaska is a smaller government, he asked whether it was suggested that JASC take over the role and potentially replace the House Military and Veterans Affairs Committee.

[1:41:10 PM](#)

CO-CHAIR GRAY stated that it was pointed out that State Affairs could handle the work. The key distinction is that JASC is a permanent standing committee, while the Military and Veterans Affairs Committee is a special committee that must be re-established each legislature. He said if it isn't renewed at the start of a new legislature, it simply ceases to exist.

REPRESENTATIVE NELSON asked if that was the intention to have JASC [replace MVA].

CO-CHAIR GRAY interjected that he never thought of JASC replacing Military and Veterans Affairs.

REPRESENTATIVE NELSON asked whether Co-Chair Gray's intent is for JASC to take on broader responsibilities that would overlap with, or potentially replace, the current duties of the Military and Veterans Affairs Committee.

CO-CHAIR GRAY clarified that while the Senate uses State Affairs to handle Military and Veterans Affairs' bills, JASC cannot meet often enough or include public members to fill that role. He expressed concern that it isn't about JASC replacing other legislative committees, but about potential overlap between JASC and the newly created Alaska Military Affairs Commission, which has multiple public members and is led by the lieutenant governor. He wanted to avoid duplicating functions between the two entities, and not replace existing House or Senate committee structures.

[1:43:00 PM](#)

MR. JOHANSEN stated that JASC cannot introduce or hear legislation. He said Representative Stapp testified that the new commission and JASC can coexist because one is in the executive branch and the other in the legislative branch, but he also advised caution to avoid overlapping responsibilities.

[1:43:37 PM](#)

CO-CHAIR GRAY asked whether JASC replaced the task force when it was formed.

MR. NELSON said the task force was called the Joint Task Force on Military Bases.

CO-CHAIR GRAY noted that the task force had been around for quite a while and asked about its permanency.

[1:44:01 PM](#)

MR. NELSON replied that the task force was created in response to BRAC. He said by BRAC-95, Alaska lagged behind other states in organizing community defense teams, and many communities lacked the resources to do so. Legislators asked him to help work on BRAC, and because the legislature was out of session, the Legislative Council was able to authorize contracts without the full budget process and provided a \$50,000 contract to secure Washington representation. He stated that this funding mechanism allowed immediate action to assess all bases in the state. While other states later built strong BRAC organizations,

Alaska initially had none, so the task force stepped in to fill that gap.

[1:46:16 PM](#)

MR. DOEHL stated that Alaska's military footprint is the fifth largest contributor to the state's Gross Domestic Product (GDP), creating both major opportunities and risks. Senior military leaders consistently raise three key state-level concerns: housing for service members and their families, the quality and availability of education for their children, and employment and licensing opportunities for spouses. He said because these issues fall more under state authority in Alaska than in other states, it's essential to maintain clear communication between legislators and senior military leaders to support the growth and success of Alaska's military bases.

[1:47:48 PM](#)

MR. VAKALIS [indiscernible].

[1:48:49 PM](#)

CO-CHAIR GRAY stated that when multiple entities can address the same issues, there's a risk that each assumes the other will handle them. He said from his perspective JASC hasn't stepped forward recently to take ownership of major responsibilities. JASC needs to determine which entity will clearly claim and manage these issues, and perhaps that should be JASC. This discussion is about defining what JASC should take responsibility for.

[1:49:53 PM](#)

MR. VAKALIS [indiscernible].

[1:50:03 PM](#)

REPRESENTATIVE NELSON commented that JASC's effectiveness depends heavily on its co-chairs, and some invest more effort than others. Over time, it has largely become an extra committee assignment with an annual commander briefing, rather than an actively engaged body. He said that may be part of why the Alaska Military Affairs Commission (AMAC) was created so there can be dedicated membership that isn't subject to constant leadership changes. Even if JASC is given more responsibilities, its activity level will still vary with each new set of chairs, unlike AMAC, whose members have a consistent, long-term focus.

[1:51:17 PM](#)

CO-CHAIR GRAY showed interest in hearing opinions on putting in statute whether JASC should meet more than once per session. He

said this would essentially be creating an expectation that the committee must be more active.

[1:51:41 PM](#)

MR. VAKALIS recommended that if the members of JASC want to take on more responsibility and active participation then the legislature should set statutory requirements for meeting frequency and expectations. [Indiscernible].

CO-CHAIR GRAY stated that there are many current issues that justify why JASC should meet.

[1:52:12 PM](#)

MR. JOHANSEN noted the potential importance of considering how JASC interacts with Washington, D.C. because the congressional delegation is extremely busy and often hard to reach. He said there was a time JASC traveled to D.C. directly rather than expecting members to come to Juneau. He suggested reconsidering that approach.

[1:53:14 PM](#)

MR. NELSON stated that the BRAC statute was created to remove congressional influence over base closure decisions, leaving delegations legally barred from participating. As a result, states and organizations like JASC stepped in to fill that gap by engaging directly with federal officials and consulting firms. He said after BRAC, JASC also helped guide base redevelopment efforts. Given today's rapidly changing global and military demands, JASC remains well-positioned to respond. He emphasized that Alaska is a small state, so leadership should coordinate responsibilities among entities rather than view them as competitors. JASC also plays an important role in educating the public, many of whom have no military background, about the value and activities of local bases.

[1:56:12 PM](#)

CO-CHAIR GRAY stated that the members plan to draft broader language for JASC, possibly including mandated meetings, and revisit the issue in January. He said Co-Chair Senator Kawasaki would chair the meeting and he expects no issues discussing new legislation at that time.

**UPDATE(S) : CONSTITUTIONAL CONCERNS ABOUT DEPARTMENT OF DEFENSE
POLICIES AND ACTIONS IN 2025**

[1:57:06 PM](#)

CO-CHAIR GRAY announced the presentation of Constitutional concerns about Department of Defense policies and actions in 2025.

1:59:41 PM

KAREN FAIR J.D., LL.M., Attorney and Vice President, Improving One Life at a Time, Alcoa, Tennessee, provided testimony on the constitutional concerns about Department of Defense policies and actions in 2025. She explained that the Army Judge Advocate General's Corps (JAG) has existed since 1775 and expressed serious concern about the current administration's actions, including the rapid removal of military lawyers within 24 hours of Pete Hegseth's nomination as Secretary of Defense and the broader purge of officers with deep institutional knowledge. She suggested these actions appear tied to perceived associations with General Milley, whom the president dislikes. She said that she looks forward to examining this issue in depth, believing it will remain a significant national topic after the [federal government] shutdown ends.

2:04:08 PM

DANIEL MAURER, Associate Professor of Law, Northern Ohio University, Ada, Ohio, provided testimony on the constitutional concerns about Department of Defense policies and actions in 2025. He read the following testimony:

[Original punctuation provided.]

I'm prepared to talk with you today about my two biggest concerns as I look at what's been happening both *within the DOD itself* and *how the military has been employed* by the Trump Administration in the last year. I see the collision of states' rights with an overbearing federal government based on nothing more than optics and reinforcing a narrative of presidential strength. I see the collision of domestic criminal law enforcement with national security concerns.

Both of these concerns are caused by two very different drivers: one who believes that the rule of law is a seatbelt, brake, and an engine warning light and one who thinks that no seatbelt is necessary, has a lead foot, and remains largely blind to the warning lights. The first driver elevates transparency, honesty, fact- and evidence-based decisions, and good faith respect for everyone in the community; the

second driver elevates appearance over substance, loyalty over merit, and strength even at the cost of respect and trust.

My focused concern is on, first, the:

[2:05:25 PM](#)

MR. MAURER continued with his testimony:

NATIONAL GUARD DEPLOYMENTS OVER GOVERNORS' OBJECTIONS
The Administration's logic for these deployments are as follows:

- (1) Illegal immigration is a NATIONAL SECURITY THREAT
- (2) Many cities are acting like safe harbors for any and all illegal immigrants, regardless of the threat (or lack of one) they pose to Americans' safety or property
- (3) Once in these cities, the illegal immigrants are so numerous that a broad concerted effort is necessary - a campaign if you will.
- (4) As ICE has tried to execute their campaign, protestors are engaged in widespread violence and physically endangering ICE agents or federal property at locations where these immigration raids occur or at the federal facilities where ICE is operating
- (5) These protestors are more often than not "paid agitators", violent, and members of "An-TEE-Fa, what it calls a domestic terrorist organization

Therefore, call in the NATIONAL GUARD.

Not a single one of those premises is legally arcuate, because not a single one is based on credible factual evidence. As a result, the military is being ordered into situations where they lack sufficient training and sensitivity to the Constitutional rights and protections of those civilian protestors. It puts soldiers in terribly awkward positions where they must act like police, and to police fellow Americans, on American city streets. And because of WHERE these deployments are happening, they get lots of publicity - which only fuels the civilian dissent and protest. This in turn increases the risk that violence erupts or civilian protest behavior is misconstrued as a hostile act. It is only a matter of time before NG

troops use excessive - and possibly lethal force - against Americans exercising their constitutional rights to assemble and to speak against what they view as both bad policy and bad government.

In short, the Administration is "Making America Militarized Again"

[2:07:16 PM](#)

MR. MAURER continued with his testimony:

The plan to create and deploy so-called "Rapid Reaction" or Quick Reaction NG units only means that this happens more frequently, and across more than just L.A., Portland, and Chicago.

My other focused concern is the:

NEW "WAR ON DRUGS:" - BOAT STRIKES AND WHAT THEY SAY ABOUT THIS ADMINISTRATION'S RESPECT FOR AND UNDERSTANDING OF LEGAL LIMITS

There is no doubt that drug cartels are dangerous. That they are violent, and that what they do increases the risk of dangers to Americans because of the drugs they bring in. NOBODY argues otherwise. NOBODY suggests these are not wrongful and need a response to deter and punish. But illicit drug importation is a CRIME - it has been for a VERY long time - and there are well-established criminal procedures for addressing it. In fact, the Coast Guard is literally doing law enforcement drug interdiction missions of suspected narcoterrorism vessels at the same time other such suspected vessels are being destroyed, along with everyone onboard, by hellfire missiles launched from a drone - with no investigation, no seizure of incriminating evidence, no arrests, no prosecution or trial. Just punishment. That has 2 names: extrajudicial killing, aka "MURDER."

There is near universal consensus among experts in both domestic war powers of the president and the international laws of war that we are bound to follow (treaties like the Geneva and Hague Conventions), that these strikes have No legal basis in our federal law...

- nothing in Article II allows the president to make these decisions - to turn a law enforcement campaign into a military campaign;
- Congress has not authorized it.

[2:08:47 PM](#)

MR. MAURER continued with his testimony:

- Simply designating them "foreign terrorist organizations" confers no legal authority to kill them.
- And merely saying they pose an imminent threat to Americans doesn't make it so... especially when these boats are not near U.S. shores, not heading toward U.S. shores, and - eventually when the drugs do arrive - they are not being forced into the veins of Americans. To say that these drug cartels are deliberately aiming to harm Americans - which is the basis for Trump's self-defense claim - is beyond common sense. A drug dealer trying to kill a drug user - his customer base - is simply not happening nor would it ever likely be the case
- Moreover,
 - Even if we are somehow in a state of armed conflict with these cartels, the very laws of war that Trump says permit our use of lethal force actually say the opposite:
 - There are only two types of legal targets in a non-state Armed Conflict, according to treaties laws we've ratified: (1) organized non-state armed groups and (2) civilians who are directly participating in hostilities
 - Very simply, there is a definition in international law that captures what an organized non-state armed group is for the purposes of using lethal force against them in a war-like posture. Drug cartels - even organized, violent, armed drug cartels - are NOT these groups.

- Second, the only other way these supposed narco-terrorists can be lethally targeted is if they are directly participating in hostilities. The DOD's own definition of this kind of behavior EXCLUDES these drug runners.
- That means, again, there are only 2 names for what happens when the US military blows them out of the water: (1) extrajudicial killing, or (2) murder

[2:10:14 PM](#)

MR. MAURER continued with his testimony:

The domestic deployments and the boat strikes together reveal a shocking disregard for facts, an alarming disrespect for the rule of law, and contempt for those outside the executive branch of the federal government who would use their lawful authorities to keep it in check: the press, Congress, the courts, and the states.

[2:10:37 PM](#)

CO-CHAIR GRAY referenced a memo from the Pentagon's National Guard Bureau that requires each state to have quick-reaction forces trained and ready to go by January 1, 2026, to respond to potential civil unrest using shields, batons, tasers, and pepper spray. He stated that Alaska is required to have a force of 350 guardsmen. He asked whether Alaska has ever received such a request before and what concerns the witnesses may have about requiring all states to create these rapid-response forces for civil-unrest scenarios.

[2:11:36 PM](#)

MS. FAIR replied that the Trump administration has suggested these state quick-reaction forces could serve as training grounds for potential overseas deployments. She said her research indicates that this level of requirement is unprecedented. She gave past examples of commanders being sidelined for raising concerns with the quick-reaction forces. She emphasized that the National Guard units are state forces intended to support active-duty troops during declared conflicts. Instead, these forces are being used to support homeland security missions, particularly Department of Homeland Security (DHS) operations targeting "criminal illegal aliens,"

which she described as a novel and unprecedented use of the National Guard.

[2:14:33 PM](#)

MR. MAURER replied that he agreed with Ms. Fair's comments and pointed to earlier testimony about the National Guard's disaster response to Typhoon Halong as an example of the National Guard's proper role. The National Guard is designed to support disaster relief and supplement active-duty forces, not act as a police force. He argued that requiring a large quick-reaction force would pull personnel away from essential missions. He warned that using the National Guard for domestic policing, as seen in recent federal actions to protect ICE operations during protests, misuses the force, since there was no breakdown of civil authority that would justify military involvement.

[2:16:57 PM](#)

MS. FAIR stated that the Posse Comitatus Act prohibits U.S. soldiers from conducting law enforcement operations within the United States.

[2:17:16 PM](#)

MR. MAURER explained that the only way to bypass the Posse Comitatus Act is to invoke the Insurrection Act, which hasn't been used since the 1992 Rodney King riots. He stressed that no such insurrection exists in cities like Portland, Chicago, Los Angeles, Baltimore, Washington, Minnesota, or Fairbanks, and that deploying National Guard troops for law enforcement without those legal triggers is unprecedented and unlawful. He argued that the administration is using military force to intimidate protesters and suppress constitutionally protected speech, despite courts repeatedly finding no evidence of the widespread disorder claimed by the government. He warned that misusing the military in this political way undermines public trust, degrades civil-military relations, and threatens the nonpartisan reputation of both the National Guard and active-duty forces.

[2:20:48 PM](#)

CO-CHAIR GRAY informed the committee that he contacted Adjutant General Torrence Saxe to express his concerns about the October 8 memo and how the force of 350 members would be used in Alaska. He stated he has not received any answers.

[2:21:36 PM](#)

REPRESENTATIVE NELSON stated that aside from passing a strongly worded resolution, JASC currently has no authority to act or influence legislation, either through the Joint Armed Services

Committee or as a state legislature. He asked if the testifiers agreed that JASC has no authority to act or influence legislation, and what then was the purpose of inviting them to testify.

[2:22:18 PM](#)

MS. FAIR reiterated her concern from her earlier testimony about Pete Hegseth. She suggested Alaska update the state's BRAC era statute to include Pentagon officials in Joint Armed Services Committee discussions. She stated that restoring communication channels like those that existed when the BRAC statute was created, Alaska can better address concerns about how its National Guard forces are managed.

[2:26:05 PM](#)

REPRESENTATIVE NELSON commented that his question was not answered and that any new administration can implement a reduction in force. He said he is not familiar with the purge that was described within the officer Corps, though past administrations have made staffing changes over time and to varying degrees.

CO-CHAIR GRAY redirected Representative Nelson's question to Mr. Maurer.

[2:26:50 PM](#)

MR. MAURER stated he disagreed with the statement that JASC has no authority to act or influence legislation and proceeded to list ways legislators have influence over what happens with military decisions. He added that the recent firing of the Army and Air Force Judge Advocate General (JAG) leaders was unprecedented. He said these positions are statutory, four-year, nonpartisan roles meant to outlast administrations to preserve apolitical military legal oversight. JAG Corps leaders oversee thousands of legal professionals and are required by law to provide independent legal advice without interference. He said the removal of JAG leaders undermines that independence and reflects a broader effort to sideline JAGs, citing comments from Secretary Hegseth and his history of conflict with military lawyers.

[2:30:28 PM](#)

MR. MAURER explained that JAGs are essential to ensuring military plans and operations follow the law, and that replacing senior, highly experienced JAG leaders with lower-ranking National Guard officers is unprecedented and harmful. He opined that the administration removed top JAG officials because they

were viewed as "roadblocks," despite their long and respected service. He warned that this creates a chilling effect for junior military lawyers, who may hesitate to raise legal concerns for fear of retaliation. Politicizing these positions threatens the military's nonpartisan tradition and weakens respect for the rule of law, with serious implications for civil-military integrity.

[2:34:10 PM](#)

MS. FAIR discussed the following points:

- The administration is delaying service appointments while implementing a plan that undermines the independence of military legal advisors (JAGs).
- This plan violates long-standing protections in Title X that prevent political interference in JAG advice.
- While presidents can replace political appointees, JAG officers must remain apolitical and should not be purged or downgraded.
- Weakening JAG oversight risks Geneva Convention violations, increases the likelihood of war crimes, and damages U.S. credibility.
- Abrupt removal of senior JAG leaders creates a chilling effect, discouraging honest legal counsel.
- A politically connected civilian attorney retraining JAGs threatens to create compliant, politically driven advisors instead of independent legal experts.
- Reduced legal scrutiny could lead to unlawful targeting decisions and further international scandal.

[2:44:50 PM](#)

REPRESENTATIVE NELSON said, "as noted, there wasn't anything the JASC..."

[2:45:04 PM](#)

CO-CHAIR GRAY interjected that JASC's purpose is to communicate with the Department of Defense (DOD) on behalf of Alaskans, and that questioning federal actions is part of its role. He said JASC should be asking questions to the DOD about the October 8 memo requiring a 350-person quick-response force (QRF) for potential civil unrest in Alaska and ask why such a force is needed. He asked if state legislators cannot raise these concerns and ask questions, then what is the point of having a JASC.

[2:46:20 PM](#)

REPRESENTATIVE NELSON emphasized that while JASC can communicate with the Department of Defense through resolutions and discussion, JASC has no oversight authority and cannot control federal decisions. The President can still activate the National Guard, and having a quick-reaction force reflects changing conditions and longstanding roles such as disaster relief and riot control. Ultimately, he said JASC can raise concerns but has no legislative or enforcement power over federal actions.

[2:48:04 PM](#)

CO-CHAIR GRAY restated Representative Nelson's comment that, "he could see reasons why Alaska needs a quick-response force," and asked whether the state is currently at a disadvantage without one.

[2:48:14 PM](#)

REPRESENTATIVE Nelson stated that he wasn't sure what Co-Chair Gray was trying to imply.

CO-CHAIR GRAY said he understood Representative Nelson to say that Alaska has good reasons to put a QRF together and whether he thinks Alaska will need it in the future.

REPRESENTATIVE NELSON replied that recent events in Western necessarily for riot control, having a National Guard quick-response force ready for such situations would be justified.

CO-CHAIR GRAY learned that 200 soldiers were quickly deployed for the Typhoon Halong response, showing that Alaska can mobilize effectively. He added that it's important to question why a 350-person force must be ready by January 1.

[2:49:04 PM](#)

MR. MAURER clarified that Eisenhower activated the Arkansas National Guard only to stand it down so federal troops could enforce desegregation under the Insurrection Act. He argued that the proposed QRF is not for disaster relief but for policing functions similar to those used in LA and other cities—actions courts have found violate the Posse Comitatus Act unless the Insurrection Act is invoked. He stressed that deploying the National Guard for law enforcement without proper legal authority undermines the rule of law. He emphasized that state legislators do have a role in oversight, communication, and checks and balances, including influencing Congress, raising concerns, and helping prevent unlawful military activity.

[2:53:42 PM](#)

REPRESENTATIVE NELSON asked for a comparison between Hegseth's rhetoric and the concept of systematic lawlessness. He specifically asked how such rhetoric might encourage ignoring rules of engagement and established military standards.

[2:54:29 PM](#)

CO-CHAIR GRAY said he would like to share a quote that exactly aligns with Representative Nelson's request. He said he would read from an article published in Just Security in which Mr. Maurer quoted Secretary Hegseth, who criticized the military's "stupid rules of engagement" during a speech given on September 30 at Quantico, Virginia:

"We fight to win. We unleash overwhelming and punishing violence on the enemy. We also don't fight under the stupid rules of engagement. We untie the hands of our warfighters to intimidate, demoralize, hunt, and kill the enemies of our country. No more politically correct and overbearing rules of engagement—just common sense, maximum lethality, and authority for warfighters. You kill people and break things for a living. You are not politically correct and don't necessarily belong always in polite society."

CO-CHAIR GRAY asked Mr. Maurer to comment.

[2:55:33 PM](#)

MR. MAURER explained that Secretary Hegseth's comments were both morally troubling and technically incorrect. Rules of engagement are not "stupid" restrictions but essential legal and policy frameworks that guide disciplined, lawful military action. He said undermining them encourages unlawful or excessive force and erodes the standards that protect service members and civilians. He added that ignoring these rules can implicate serious legal consequences under 18 U.S.C. 2441, the federal statute governing war crimes. He referenced recent incidents in the Caribbean and Eastern Pacific as examples of how dismissing established standards can lead to misconduct. He stated that this rhetoric is unprecedented and dangerous coming from a senior civilian leader in the Department of Defense.

[3:00:47 PM](#)

MR. MAURER said he struggles to fully capture how dangerous this rhetoric is, noting that it has real consequences. Combined with what Ms. Fair described, the systematic removal of JAGs, the result is a chilling effect where it's unclear whether drone operators, ship captains, or others ever received legal guidance before taking action. He said without lawyers in the room, a

nation that claims to follow the rule of law risks abandoning it. When legal experts are removed from the process, bad outcomes inevitably follow.

[3:01:42 PM](#)

CO-CHAIR GRAY stated he wanted to do a quick fact-check on Ms. Fair's earlier statement. He said, so far, the military has launched 19 strikes on boats in international waters, resulting in 76 deaths without trial.

[3:02:31 PM](#)

REPRESENTATIVE NELSON opined that rules of engagement are flexible and mission-specific, not restrictive. Turning to current drug-war drone strikes, he pointed to the precedent set by the Obama administration, which conducted more than 500 drone strikes and even killed several U.S. citizens. He asked whether those past actions conflict with, or instead support, the current approach.

[3:03:49 PM](#)

MR. MAURER replied that although he often disagreed with the scope and number of past drone strikes, those operations were still legally authorized. Under the 2001 AUMF, the U.S. could target unlawful enemy belligerents—including Americans supporting groups like the Taliban, ISIS, or al-Qaeda—under both domestic and international law. By contrast, the current strikes in the Caribbean and Eastern Pacific have no congressional authorization, no valid Article II basis, and no self-defense justification. Drug traffickers are civilians, not members of an armed group or direct participants in hostilities, so they can only be lawfully arrested and prosecuted, not targeted with military force. He said rules of engagement cannot override the law of war, and these strikes violate both domestic and international law, making any such orders unlawful.

[3:07:56 PM](#)

CO-CHAIR GRAY noted that some coverage has already framed the hearing as a Democratic led attack on the Trump administration. To clarify that point, he asked Colonel Fair to state her party affiliation and who she voted for.

[3:08:39 PM](#)

MS. FAIR stated that her affiliation is republican, and she voted for President Trump.

[3:08:52 PM](#)

CO-CHAIR GRAY reiterated that he and Senator Kawasaki have sent a letter to General Saxe expressing concerns with the formation of a quick-response force.

3:09:20 PM

MS. FAIR stated that she opposed Pete Hegseth's nomination. She expressed concern that Hegseth's actions and inexperience could lead to serious international incidents.

3:11:57 PM

There being no further business to come before the committee, Co-Chair Gray adjourned the JASC meeting at 3:12 p.m.