

THE WHITE HOUSE

WASHINGTON

November 20, 2018

DECISION MEMORANDUM

MEMORANDUM FOR THE PRESIDENT

THROUGH: DEREK S. LYONS

SUBJECT: Department of Defense Support for Border Security

Purpose

To memorialize a Presidential directive to the Secretary of Defense to deploy appropriate numbers of units and personnel of the Armed Forces of the United States to support the Department of Homeland Security by temporarily protecting – through military protective activity that are reasonably necessary – U.S. Customs and Border Protection and other United States Government personnel who are performing Federal functions at appropriate ports of entry.

Background

Credible evidence and intelligence indicate that migrant caravans originating from Central America and moving toward the southern border of the United States (southern border) may prompt incidents of violence and disorder that could threaten U.S. Customs and Border Protection and other United States Government personnel and prevent them from performing the Federal functions necessary to secure and protect the integrity of the southern border.

Discussion

At your direction, the Secretary of Defense shall deploy appropriate numbers of units and personnel of the Armed Forces of the United States temporarily to appropriate ports of entry to support the Department of Homeland Security by protecting U.S. Customs and Border Protection and other United States Government personnel and by protecting their performance of the Federal functions.

To carry out that mission, these deployed military personnel may perform those military protective activities that are reasonably necessary to ensure the protection and safety of Federal personnel, including a show or use of force (including lethal force, where necessary), crowd control, temporary detention, and cursory search. The deployed military personnel shall not, without further direction from you, conduct traditional civilian law enforcement activities, such as arrest, search, and seizure in connection with the enforcement of the laws. The Secretary of Defense will execute these responsibilities in consultation with the Secretary of Homeland Security, including regarding the appropriate ports of entry at which to deploy Department of Defense military personnel, and will consult with the Attorney General and the Secretary of Homeland Security prior to withdrawing any personnel from ports of entry.

Recommendation

I direct the Secretary of Defense to deploy units and personnel as outlined in this memorandum.

Approve (signature)  _____

Disapprove (signature) _____

Needs more discussion (X-mark; notes/taskings, if any) _____

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MEMORANDUM FOR THE SECRETARY OF DEFENSE
THE ATTORNEY GENERAL
THE SECRETARY OF HOMELAND SECURITY

SUBJECT: Department of Defense Support to Border Security

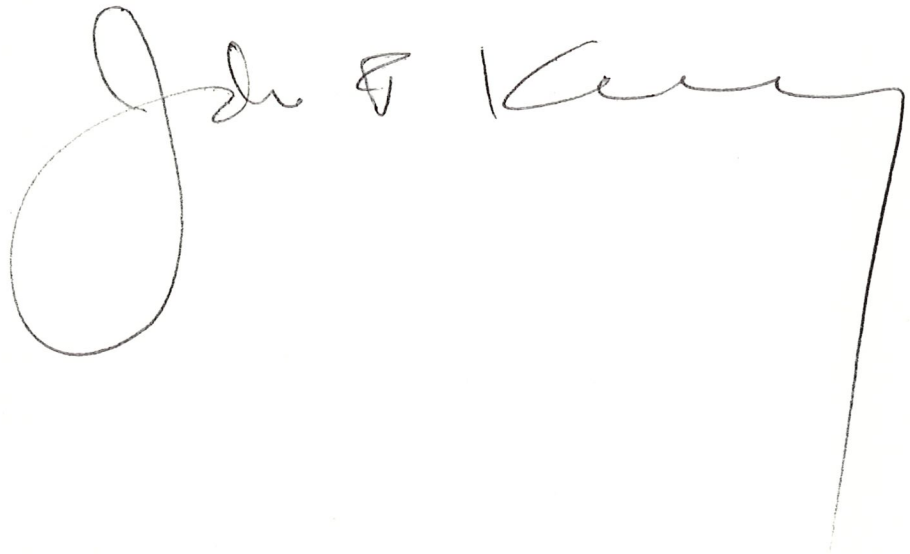
Credible evidence and intelligence indicate that migrant caravans originating from Central America and moving toward the southern border of the United States (southern border) may prompt incidents of violence and disorder that could threaten U.S. Customs and Border Protection and other United States Government personnel and prevent them from performing the Federal functions necessary to secure and protect the integrity of the southern border.

In light of this threat, the President has determined that it is necessary to use units and personnel of the Armed Forces of the United States (Department of Defense military personnel) at appropriate ports of entry to support the Department of Homeland Security by temporarily protecting U.S. Customs and Border Protection and other United States Government personnel and by protecting their performance of Federal functions. Accordingly, the President has directed the Secretary of Defense to deploy appropriate numbers of Department of Defense military personnel to appropriate ports of entry to carry out this protection mission. To carry out that mission, these deployed Department of Defense military personnel may perform those military protective activities that the Secretary of Defense determines are reasonably necessary to ensure the protection of Federal personnel, including a show or use of force (including lethal force, where necessary), crowd control, temporary detention, and cursory search. Department of Defense personnel shall not, without further direction from the President, conduct traditional civilian law enforcement activities, such as arrest, search, and seizure in connection with the enforcement of the laws.

The President has further directed that the Secretary of Defense shall execute these responsibilities in consultation with the Secretary of Homeland Security, including regarding the

appropriate ports of entry at which to deploy Department of Defense military personnel. The Secretary of Defense may determine the duration of this deployment, but shall consult with the Attorney General and the Secretary of Homeland Security prior to withdrawing Department of Defense military personnel.

The Secretaries of Defense and Homeland Security may delegate to subordinate officials of their respective Departments any of the authority conferred upon them by the President's order.

A handwritten signature in black ink, appearing to read "John F. Kerry". The signature is written in a cursive style with a large, looped initial "J" and a long, sweeping horizontal line that ends in a sharp downward hook.