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# Read transcript of Oregon judge's decision on National Guard deployment to Portland

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U.S. District Judge Karin J. Immergut convened an unusual Sunday night hearing by phone to consider state's and City of Portland's motion for a new temporary restraining order. Bryan Denson/The Oregonian



By [Maxine Bernstein](#) | [The Oregonian/OregonLive](#)

U.S. District Judge Karin J. Immergut didn't waste much time once [Sunday night's hearing](#) got underway, pointedly asking the Trump administration's lawyer how the president's deployment of California National Guard troops and the mobilization of Texas National Guard troops to Oregon didn't violate her initial temporary restraining order.

The night before, Immergut had issued a 31-page ruling blocking the call-up of 200 Oregon National Guard troops into federal service in Portland, finding their deployment violated federal law and the U.S. Constitution.

“Mr. Hamilton,” Immergut said, addressing attorney Eric Hamilton, “let me ask you how could bringing in federalized National Guard in California not be in direct contravention of the TRO I issued yesterday?”

Hamilton replied that the California National Guard troops were already federalized by President Trump and that Trump had command and control over them.



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Immergut later cut in, “Mr. Hamilton -- Mr. Hamilton, you are missing the point,” she said. “Because here it’s the conditions on the ground in Oregon that were the basis for my finding on a TRO -- standard for a TRO that there was not a legal basis to bring federalized National Guard into Oregon.”

That’s how the hearing started out.

It didn’t get better for the federal government.

The judge asked Hamilton, “Is there any legal authority for what you’re doing?”

Hamilton conceded that the part of the federal code that the president was relying on - Title 10, Section 12406, “has not been utilized any time in history; so there are not many previous precedents from the use of this authority.”

Immergut then asked: “Tell me. Why do you think it has not been utilized?”

Hamilton said he couldn’t address that.

“Mr. Hamilton -- Mr. Hamilton,” Immergut continued, “so, again, if it were the case that you could federalize National Guard in one place and simply send them to a place where the President doesn’t have authority to federalize the National Guard, then what would the purpose of 12406 be? You have to have a colorable claim that Oregon conditions require it, but you don’t. We’ve already gone over that. So why is this appropriate?”

By the end of the hearing, Immergut issued a new much broader temporary restraining order, prohibiting the “relocation, federalization, or deployment of any National Guard under defendants’ command that is Title 10 status within the state of Oregon.”

## **RECOMMENDED**

**As states sue to block deployment of California troops to Portland, feds move to deploy Texas National Guard troops to Oregon, other states** [Oct. 5, 2025, 10:55 p.m.](#)

**Fight over National Guard in Portland could go before appeals court Thursday** [Oct. 7, 2025, 1:12 p.m.](#)

Read the full transcript of the hearing below.

And here, too, is a copy of Immergut’s Saturday decision granting the first temporary restraining order.

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## Maxine Bernstein

Maxine Bernstein covers federal court, law enforcement and criminal justice issues after spending two decades covering Portland police. She joined The Oregonian in 1998 after a seven-year stint working for The... more

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