

Policy Point-Counterpoint:

Federal Troop Deployment in American Cities: Evaluating the Policy Arguments

The question of whether federal troops should be deployed in American cities has become one of the most controversial domestic policy debates in recent times. Traditionally, public safety within cities has been the responsibility of state and local governments. However, during the Trump administration, this was challenged through repeated calls to deploy federalized National Guard troops. These actions were justified under statutes such as the Insurrection Act of 1807 and 10 U.S.C. § 12406, laws that grant the President emergency powers under specific and limited circumstances. While these statutes are part of American law, their most recent use raises serious legal, constitutional, and democratic concerns.

Federal troop deployments have already occurred or been proposed in cities including Los Angeles, Portland, Chicago, Memphis, and Washington, D.C. In several of these cases, the deployments were challenged in federal court, with several mixed outcomes. Courts have blocked deployments in cities like Chicago, citing concerns over federal overreach and state sovereignty. While allowing others, such as Portland, to proceed under justifications related to the protection of federal property and personnel. In Portland, for example, federal forces were deployed primarily to guard federal buildings and immigration and customs enforcement personnel. In Los Angeles, proposed federal troop deployments were met with strong resistance from state and local officials. Including the Governor of California, Gavin Newsom, who argued that local law enforcement agencies were capable of maintaining public order, emphasizing that federal troops would only escalate tension.

While the timeline places the recent federal troop deployments in context, the deployments, the Trump administrations rhetoric and justifications for these deployments have

intensified concerns over their legality, and appropriateness in a democratic federal political system of checks and balances. In September 2025, he described American cities as potential “training grounds” for the military and referred to a supposed “war from within.” Such language alarmed legal scholars, veterans, and civil rights organizations, who viewed it as an attempt to normalize the use of military force against civilians. Laws such as the Posse Comitatus Act were designed specifically to prevent the military from acting as a domestic police force, except in the most extreme circumstances. Supporters of federal troop deployment argue that rising crime rates, attacks on federal immigration officers, and violent protests justify extraordinary measures. They point to historical uses of the Insurrection Act, including its invocation during Reconstruction and the civil rights era, as legal justification that federal intervention can be necessary to restore order.

Even if one accepts the administration’s claims at face value, the use of federal troops remains a short-term response rather than a sustainable one. Troops may temporarily suppress unrest or protect specific federal interests, but they do not address the underlying social or political issues that contribute to protests. Once troops withdraw, the same problems are likely to reemerge. This paper evaluates the policy debate surrounding the federal deployment of troops in American cities. While the President has certain legal authorities under statutes such as the Insurrection Act and 10 U.S.C. § 12406, these powers were never intended to replace civilian law enforcement. Federal troop deployment risks escalating violence, undermining civil liberties, and weakening public trust in democratic institutions. Furthermore, even when legally permissible, such deployments function only as a temporary solution rather than a long-term one.

Policy Point: Federal Troops Should Not Be Deployed in U.S. Cities

The federal deployment of the National Guard to cities including Los Angeles, Portland, Chicago, and Memphis has heightened debate over the role of the military in domestic affairs. These actions were justified using laws such as the 10 U.S.C. § 12406 and the Insurrection Act of 1807. In September 2025, President Trump suggested using American cities as "a training ground" for the armed forces and called for using the military to confront a "war from within."¹ This kind of language alarmed veterans, legal scholars, and human rights organizations, who saw it as an attempt to normalize domestic military force. U.S. law clearly defined the use of military force for domestic purposes through the Posse Comitatus Act and the Insurrection Acts.² As the Trump administration pushed past those limits, it weakened public trust and raised serious concerns about the protection of democratic institutions. While these statutes give the President emergency powers, they were designed for extreme situations and do not indicate the resources available in modern law enforcement. Courts are now examining whether these actions overstep presidential authority, emphasizing the importance of checks and balances.

The Posse Comitatus Act (1878) was created to prevent this kind of abuse. It restricts the Army and the Air Force from enforcing civil laws unless Congress explicitly authorizes them. The Congressional Research Service explains that the act "prohibits the use of any part of the Army or the Air Force to execute or enforce the laws, except as authorized by the Constitution or Act of Congress."³ These protections stem from deep historic fears of military rule. The second, third, and fifth amendments all show the Constitution's commitment to keeping the military under civilian control and protecting citizens from potential abuses.⁴

The Insurrection Acts (10 U.S.C. §§ 251–253) authorize the President to deploy military forces under certain circumstances. Section 253 authorizes the President to act in a state if there

is "insurrection, domestic violence, unlawful combination, or conspiracy" that prevents state authorities from enforcing laws, or if citizens are being deprived of their constitutional rights.⁵ Before using troops, the President must issue a proclamation ordering insurgents to disperse. These protections exist to ensure that military force is only used when necessary. However, the Trump administration repeatedly suggested and attempted to use these emergency powers in situations that were not true national emergencies.⁶

The restrictions on domestic military deployment stem from historical and constitutional principles. The Petition of Right of 1628, the Declaration of Independence, and the Bill of Rights all demonstrate a long-standing American commitment to limiting military control over civilians.⁷ Courts have historically avoided granting military authority over civilians except where explicitly permitted. In landmark cases such as *Youngstown Sheet & Tube Co. v. Sawyer* and *Laird v. Tatum*, the Supreme Court has recognized the need for caution in extending executive or military power into domestic civilian life.⁸ Although the Constitution does allow the federal government to call forth the militia to "execute the Laws of the Union, suppress Insurrections, and repel Invasions," and requires the federal government to protect states from domestic violence upon the request of state legislatures.⁹ However, these powers are narrowly defined. Using the military beyond these limits risks creating an illegal and dangerous precedent.

Using federal troops in U.S. cities carries significant risks. Troops are trained for combat, not civilian law enforcement. Troops are generally ill-suited to policing civilians, and such misuse poses a risk of serious violations. Historical events like the Kent State shootings in 1970, when National Guard troops killed four unarmed students, show the danger of mixing military force with civilian populations.¹⁰ Military involvement in local policing increases the risk of excessive force and civil rights violations.

Veterans have publicly opposed these domestic deployments. Jackie Robinson, a former Army Sergeant Major, stated, "As a veteran who has been deployed twice, I feel a responsibility to push back on this administration's undermining the oath I took. President Trump is abusing his power."¹¹ Another veteran emphasized, "An apolitical military is essential to the health of our democracy."¹²

These concerns reflect a shared view that domestic deployments undermine both civil liberties and trust in the armed forces. The Trump administration's actions in September 2025 and since further emphasize the dangers of domestic military deployment. The Trump administration repeatedly called for troops to be more "lethal" and pushed the idea of using cities as military training grounds.¹³ One of the clearest examples came in September 2025, when the Trump administration attempted to deploy federalized National Guard units to Chicago without the governor's consent. The administration argued that unrest in the city qualified as "domestic violence" under the Insurrection Act, despite Illinois officials confirming that the state's law enforcement was fully functional. A federal court blocked the deployment, ruling that Chicago did not meet the legal threshold for military intervention.

This incident demonstrates how the Trump administration attempted to use emergency powers beyond what the law allows for. The courts blocked similar attempts in Portland, reaffirming the necessity of legal oversight. Human Rights Watch warned that using the military for domestic policing increases the risk of human rights violations. They noted that Secretary of Defense Pete Hegseth's plans to "eliminate anonymous complaints" and restrict internal dissent could silence whistleblowers and victims of harassment, violating protections under U.S. law.¹⁴ The potential for excessive force and civil rights violations significantly increases when military forces are deployed in situations for which they are not trained. Legislation, such as the Military

in Law Enforcement Accountability Act and the National Guard Proper Use Act, help define the boundaries between the military and civilian law enforcement.¹⁵ The Military Law Enforcement Accountability Act reinforces and strengthens oversight, enforces identification requirements, and makes clear when federal forces may be deployed. The National Guard Proper Use Act reinforces legal restrictions on the President's ability to deploy National Guard units for immigration or domestic law enforcement.

These laws help ensure that the military remains apolitical and focused on national defense. Veterans' advocacy demonstrates the importance of civic oversight. In 2025, forty-one veterans from twenty-one states met with over forty Congressional offices to argue that troops should not be used in civilian communities.¹⁶ Their experiences highlight the ethical and safety concerns involved. The misuse of military power can incite fear and escalate conflict, damaging the domestic relationship between civilians and their government. Veterans warn that using troops domestically "erodes the hard-earned trust the National Guard has built with the public through community service."¹⁷

Civilian policing, not military force, is the proper tool for maintaining public safety. Ethically, using the military for law enforcement in normal circumstances blurs the line between civilian authority and military power. Such actions threaten democratic principles and weaken citizens' confidence in government institutions. Civilian law enforcement, not the military, should address public safety within communities.

Federal troops should not be deployed in U.S. cities. Legal limits under the Posse Comitatus Act and Insurrection Acts, along with constitutional protections, make domestic deployments outside of emergencies unwarranted. Using military forces in civilian contexts risks human rights violations, undermines trust in the armed forces, and threatens democracy.

Veterans' advocacy and civil society's efforts highlight the importance of maintaining civilian oversight and clearly defined legal boundaries. Congress and governors must ensure that military power remains focused on defending the nation, not policing U.S. communities. Upholding these provisions protects both civil liberties and the integrity of the military while preserving the democratic principles fundamental to the United States and its Citizens.

Policy Counterpoint: Legal Justification for Deploying the National Guard

The need for President Trump to mobilize the National Guard in U.S. cities stems from a perceived threat of high crime rates and potential violence against immigration officers. If there are high rates of violent crimes and the job of federal immigration officers is being interrupted by violence, the President has legal options to ensure the violence and high crime do not prevent the work of federal agents. While the evidence is scarce regarding violent crime against federal immigration agents and the outbreak of violent crimes in different U.S. cities, some protests against ICE agents have resulted in violence and a disruption of immigration raids, specifically in Los Angeles.¹⁸ Under this pretense, President Trump has used 10 U.S. Code § 12406 to mobilize the National Guard in any city:

Whenever the United States, or any of the Commonwealths or possessions, is invaded or is in danger of invasion by a foreign nation; there is a rebellion or danger of a rebellion against the authority of the Government of the United States; or the President is unable with the regular forces to execute the laws of the United States.² For the Trump administration, violent protests against immigration officers are in line with the criteria for invoking Section 12406. Whether President Trump's use of this statute is legitimate is currently being decided by courts across the country.¹⁹

President Trump has deployed the National Guard to five U.S. cities under Section 12406: Los Angeles, California; Washington, D.C.; Portland, Oregon; Chicago, Illinois; and Memphis, Tennessee. In each city except Washington, D.C., and Memphis, the National Guard mobilization by President Trump has been legally challenged. While the U.S. district judge and the U.S. Court of Appeals for the 7th Circuit sided with the city of Chicago calling the

deployment of the National Guard unnecessary, the U.S. Court of Appeals for the 9th Circuit “concluded that both FPS and ICE are stretched thin by the attacks on ICE’s Portland facility, and that the president was well within his authority to call out the National Guard for protection.”²⁰ With the Ninth Circuit judges seeing a rationale behind the deployment of National Guard troops by President Trump, the Trump administration has sought an opinion from the Supreme Court regarding National Guard deployment to Chicago.

The Supreme Court is focusing on the interpretation of Section 12406 and the meaning of “regular forces” within the statute. The Trump administration argues that “regular forces” refers to civilian law enforcement and is “most naturally understood to be the civilian forces with whom the President regularly executes the relevant laws, not the standing military, which generally does not—indeed, often cannot—execute federal law.”²¹ Since civilian forces are unable to execute the immigration laws of the United States, the Trump administration is arguing that the deployment of the National Guard is the next viable option, and deference should be given to the power of the Commander-in-Chief to mobilize the militia to execute the laws of the land.

The Trump administration has discussed other legal justifications for deploying the National Guard to U.S. cities. The 1827 court case *Martin v. Mott* outlines Jacob Mott questioning President James Madison’s decision to mobilize the New York militia during the War of 1812. The Supreme Court ruling found that Mott could be fined for failing to heed the President’s order and stated, “We are all of opinion that the authority to decide whether the exigency has arisen belongs exclusively to the President, and that his decision is conclusive upon all other persons.”²² The Trump administration contends that *Martin v. Mott* disqualifies anyone from questioning the President’s decision to order a militia, allowing him to deploy the National

Guard whenever he sees fit. The strength of this argument will be determined by the Supreme Court when it convenes on the issue.

The largest potential legal basis for President Trump to deploy the National Guard is the Insurrection Act of 1807. The Insurrection Act stands as a step above Section 12406 and has a broader use of words, allowing for the Trump administration to apply it to the current situation:

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.²³

With seventeen past U.S. presidents invoking the Insurrection Act, President Trump would not be the first to use it to quell violence in U.S. cities. President George Washington invoked the Militia Act of 1792, a predecessor to the Insurrection Act, in an attempt to stop revolts against federal taxes. During Reconstruction, President Ulysses S. Grant enacted the Insurrection Act six times to suppress white supremacist violence and ensure the implementation of civil rights laws. Presidents Dwight D. Eisenhower, John F. Kennedy, and Lyndon B. Johnson each used the Insurrection Act to enforce civil rights legislation and quell violent protests that stemmed from racial tensions. Most recently, President George H. W. Bush invoked the Insurrection Act to combat violent protests as a result of the beating of Rodney King by police officers. While the Insurrection Act is not used very often, there is precedent for invoking it when civil unrest turns violent or when federal orders are being disrupted.²⁴

The basis for President Trump's ordering of the National Guard rests upon the assumed violence of protesters against federal immigration agents and the perceived high crime rates of cities that may affect the work of the agents. If the perceived threat of violence against federal immigration officers is real and prohibits them from successfully carrying out their jobs,

President Trump could have a legal basis for deploying the National Guard to different U.S. cities. Ultimately, the decision is left to the judicial branch on whether President Trump has the authority to deploy the National Guard under Section 12406 at this time. If the courts rule against President Trump, he could invoke the Insurrection Act and use its broad language to justify mobilizing the National Guard. For the Trump administration, there are many legal avenues to execute his plan for using the National Guard to aid federal immigration officers amidst the violence of protesters and high crime rates.

Conclusion

The deployment of federal troops in U.S. cities represents a significant shift in how public safety is addressed in a democratic society. While the President does possess limited legal authority to deploy military forces domestically under statutes such as the Insurrection Act and 10 U.S.C. § 12406, these powers were intended to be used only in extreme circumstances. As demonstrated throughout this paper, recent efforts by the Trump administration to deploy the National Guard in cities such as Chicago, Portland, Los Angeles, and Memphis extend these legal authorities beyond their original purpose. This extension of authority raises crucial questions about the balance of power between federal and state governments. In particular, whether state and local governments retain the constitutional authority to adequately manage public safety without federal interference.

Legal authority alone does not make a policy effective or appropriate. Federal troops are trained primarily for combat and national defense, not for civilian law enforcement. When military forces are placed in civilian environments, the risk of excessive force and civil rights violations increases significantly. Historical incidents such as the Kent State shootings demonstrate the dangers that can occur when military personnel are assigned to police civilians.

Veterans and military leaders have repeatedly warned that domestic troop deployments undermine the apolitical nature of the armed forces and damage public trust in institutions meant to protect citizens rather than intimidate them. Statements from veterans also indicate that domestic deployments can harm morale within the military, leading to confusing the role of armed forces in civilian communities.

Deploying federal troops is ineffective as a long-term solution for public safety. Troops may temporarily deter unrest, protect federal property, or assist overwhelmed agencies, but they do not address the underlying causes of protesting or social instability. Once troops are withdrawn, the same conditions are likely to return, making these deployments temporary solutions. This reinforces the argument that federal troop deployment functions as a short-term band-aid rather than a sustainable policy response. Long-term public safety requires solutions that address social and political problems directly, which cannot be solved by a temporary military presence. Without addressing these underlying issues, communities remain vulnerable to recurring unrest.

The Trump administration's rhetoric describing American cities as "training grounds" or articulating domestic unrest as a "war from within" further explains the risks of normalizing military involvement in civilian life. Such language makes the distinction between national defense and domestic governance unclear. Constitutional protections, statutory limits, and judicial review exist to ensure that military power remains focused on defending the nation from external threats rather than controlling domestic populations. The use of militarized language also risks increasing fear and mistrust among citizens, making it more difficult for local authorities to maintain public order.

Deploying federal troops in U.S. cities to respond to protests or political disagreements raises significant questions. While there may be rare emergencies that justify limited military involvement, any such action must follow a strict legal standard and be subject to precise oversight to prevent misuse. Maintaining a clear separation between civilian law enforcement and military forces is essential for preserving public trust and upholding democratic principles. Protecting civil liberties and ensuring that civilian authorities retain control over matters is crucial in preventing abuses. Maintaining civilian control over local law enforcement is necessary to ensure public safety policies are consistent with democratic principles.

ENDNOTES

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