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## Judge says Trump administration's use of US military in Los Angeles violated federal law

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By  Devan Cole



California National Guard members are positioned at the Federal Building in downtown Los ...

A federal judge ruled Tuesday that President Donald Trump and Defense Secretary Pete Hegseth violated federal law by using the US military to help carry out law enforcement activities in and around Los Angeles this summer.

US District Judge Charles Breyer concluded that Trump's use of thousands of federalized California National Guard members and US Marines to provide protection to federal agents during an aggressive immigration crackdown in the Los Angeles area ran afoul of the Posse Comitatus Act, a 19th Century law that generally prohibits the use of troops for domestic law enforcement purposes.

The ruling from Breyer, who held a multi-day trial last month over Trump's use of the military in the state, comes as the president is weighing whether to send National Guard members to other cities, including ones in California and Illinois.

"President Trump and Secretary Hegseth have stated their intention to call National Guard troops into service in other cities across the country," Breyer wrote in his **52-page opinion**, "... thus creating a national police force with the President as its chief."

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"The evidence at trial established that Defendants systematically used armed soldiers (whose identity was often obscured by protective armor) and military vehicles to set up protective perimeters and traffic blockades, engage in crowd control, and otherwise demonstrate a military presence in

Act, Breyer wrote.

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In an effort to stave off further violations of the Posse Comitatus Act in California, Breyer blocked Trump and Hegseth from using troops there for “arrests, apprehensions, searches, seizures, security patrols, traffic control, crowd control, riot control, evidence collection, interrogation, or acting as informants.”

The judge paused that part of his ruling until next Friday to give the administration time to appeal it.

Though Breyer’s decision to bar Trump and Hegseth from continuing to use the troops in California for law enforcement purposes may stand as a warning shot to them ahead of any similar deployments around the country, his ruling is limited to the Golden State.

“Los Angeles was the first US city where President Trump and Secretary Hegseth deployed troops, but not the last,” Breyer wrote.

## Chicago braces for possible federal immigration operation

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California Democratic Gov. Gavin Newsom sued Trump and Hegseth in June after Trump federalized members of his state's militia in the wake of protests in the LA area over the administration's hardline immigration policies.

"The people of California won much needed accountability against Trump's ILLEGAL militarization of an American city!" the governor's office wrote in a **post** on X after Breyer issued his decision.

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San Francisco, initially ruled in June that Trump unlawfully called the troops into service and ordered the president to return control of them back to the governor. **A federal appeals court later said** Trump can maintain control of the troops while the legal challenge plays out.

But a major claim at the center of Newsom's case remained unaddressed by the two courts: whether the troops were violating the Posse Comitatus Act when they did things like accompany federal agents on raids in the LA area or temporarily detain civilians who tried to enter restricted areas.

Breyer decided they had. He said in his ruling Tuesday that instructions the troops in California – collectively known as Task Force 51 – were given that said they could set up traffic blockades, maintain protective perimeters or help with crowd control were “incorrect.” The judge said the troops’ presence alongside federal agents, which at times either matched or outnumbered those agents, “pervade the activities of those civilian agents.”

“This was intentional – defendants instigated a months-long deployment of the National Guard and Marines to Los Angeles for the purpose of establishing a military presence there and enforcing federal law. Such conduct is a serious violation of the Posse Comitatus Act,” Breyer wrote.

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use military troops to execute various sectors of federal law (the drug laws and the immigration laws at least) across hundreds of miles and over the course of several months – and counting.”

## **Public has opposed using National Guard when state governors object**

Brenner Fissell, the vice president of the National Institute for Military Justice, said while Breyer’s ruling has no immediate impact outside of California, it’s certain to be the first thing other judges who may preside over similar cases will turn to.

“If I were a district court judge, I’m going to study all this. And it doesn’t bind me, but it’s the treatise that you’re going to go to,” said Fissell, who is also a law professor at Villanova University. “It’s the most learning on this issue that we have had in decades, and for some of these statutes, it’s the only judicial interpretation of the statute. So it’s a big deal.”

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“District courts – if they disagree with this – they’re going to have to explain why. They can’t just ignore this,” he added.

to just several hundred in recent weeks, Trump's decision to send armed forces to the streets of America's second-largest city remains one of his more controversial moves this year.

In a **July CNN poll conducted by SSRS**, 59% of Americans said they opposed Trump "using national guard troops, which are typically controlled by state governors, in response to immigration protests, even if a state's governor does not support the use of those troops." Another 41% supported such use of troops.

Views were sharply divided along partisan lines, with 85% of Republicans favoring the president's use of National Guard troops over state objections, while 94% of Democrats and 66% of independents were opposed.

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*CNN's Ariel Edwards-Levy contributed to this report.*

*This story has been updated with additional developments.*



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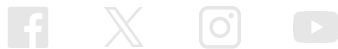
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