

We speak with California Attorney General Rob Bonta ahead of the start of California's court case challenging the Trump administration's move to federalize the state's National Guard to support immigration raids. Bonta argues the use of the military for civilian law enforcement in Los Angeles clearly violated the Posse Comitatus Act of 1878. "This is something that is deeply rooted in our history and our law as something that is prohibited, and Mr. Trump is blatantly engaged in this unlawful conduct," says Bonta. The case is one of dozens of lawsuits Bonta's office has filed against Trump, with some wins already.

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## Transcript

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**AMY GOODMAN:** This is *Democracy Now!*, [democracynow.org](https://democracynow.org). I'm Amy Goodman.

President Donald Trump vowed Sunday to deploy hundreds of National Guard troops to Washington, D.C., while also threatening to evict unhoused people from the nation's capital. The president directly controls the National Guard in D.C., though it's usually the governor of a state who decides when to activate guard troops.

This control is the focus of a trial that begins today in Los Angeles, where the state of California is challenging the Trump administration's attempt to control California's National Guard and deploy troops to Los Angeles in response to protests against the ICE raids. Today is the first day of a bench trial, no jury.

So, for more, we're joined by California Attorney General Rob Bonta, whose office is bringing this legal challenge. Rob Bonta is the first Filipino American and the second Asian American to occupy the attorney general position in California. In the first six months of Trump's second presidency, California has filed 37 lawsuits, separately filed more than 40 amicus briefs in support of other litigation against the Trump administration, and has already had some wins.

AG Bonta, welcome back to *Democracy Now!* Explain what this trial that you're involved with in the next few hours, that's just about to begin, is about.

**ATTORNEY GENERAL ROB BONTA:** Good morning, Amy, and thank you for having me. I'm honored to be with you once again.

And today, as we start trial, we remain confident in our case. And our case is based on the Posse Comitatus Act and the fact that the president has deployed military personnel onto a — into an American city, on American soil, to engage in law enforcement that has nothing to do with the military. The evidence will show that the National Guard troops and the Marines have been in L.A. over the last two months, engaged in perimeter support, in blockades, in one instance apprehending and arresting civilians, and all part of civilian law enforcement, which is absolutely prohibited under the Posse Comitatus Act. They are engaged in infringing upon and blocking the freedom of movement of Americans on American soil. And we will hear from military personnel that we deposed that say all this. And so, we think we have a really strong case with Judge Breyer in the Northern District of California on the eve of the beginning of — or, the morning of the beginning of trial, and we think the evidence will support our case.

**AMY GOODMAN:** And does it matter that President Trump is now removing those soldiers, the National Guard troops, from L.A., in terms of your case?

**ATTORNEY GENERAL ROB BONTA:** No, because while he did deploy 4,700 military personnel, 4,000 National Guard people, that could be and should be doing the important work that they were doing before they were called away — they were tackling fentanyl and addressing wildfires, among other things — and deployed 700 Marines, 300 National Guards people remain. So this is an ongoing issue. We, of course, have noticed his removal in phases of a number of the personnel that were present in L.A., but this still remains a live issue. It is a issue that continues to be important in L.A., with the military engaged unlawfully, in violation of the Posse Comitatus Act, in civilian law enforcement. And the Posse Comitatus Act goes way back to the early days of this country, where the English, British monarch used the military to police the colonies. And so, this is something that is deeply rooted in our history and our law as something that is prohibited, and Mr. Trump is blatantly engaged in this unlawful conduct.

**AMY GOODMAN:** On Friday, federal agents raided the parking lot of a Home Depot in Van Nuys twice, detaining at least seven immigrant day laborers from Guatemala, Honduras and Mexico, with rights activists warning the arrest could be violating a recent court order that temporarily banned agents from conducting sweeping immigration raids and racially profiling people in Los Angeles and surrounding areas, including targeting them based on the language they speak or their presence at a particular location or type of work. Can you respond to these raids? I mean, one raid at Home Depot, 16 people were arrested, and they used this Penske rental truck that even the Penske company condemned.

**ATTORNEY GENERAL ROB BONTA:** Yeah, they rolled up in a Penske truck and started engaging in, very potentially, the conduct that a court has already prohibited them from engaging in. So, they need to be held accountable. They will be held accountable. The court has ordered that ICE agents to — as we have seen from many images, are masked, unidentified, seemingly in plain clothes, unable to identify them as ICE agents, sometimes using vehicles where they remove the license plates — that they were engaged in unlawful actions in violation of the Fourth Amendment, using race as a factor to identify who to stop and detain, search and seize, using language or accent, as you mentioned, the location and the job or the occupation — all things which sweep in thousands and tens of thousands of innocent people. And the Fourth Amendment requires individualized suspicion and probable cause.

So, this may be a violation of the court order. The court order was sought in a case where we filed an amicus brief, and secured in a case where we filed an amicus brief, and the ACLU is leading that case. So, I know that they are — we've been in communication with them, and I believe they are considering what steps to take next in view of the court order and the potential violations of that order with these recent actions in Van Nuys.

**AMY GOODMAN:** Attorney General Bonta, we just have a minute, but I saw you this weekend at Netroots Nation in New Orleans. You were with the attorney general of Minnesota, Keith Ellison, as well as the attorney general of New Jersey. And you're sort of taking this on the road, talking about the importance of challenging Trump legally. In a moment, we're going to talk about the importance of grassroots action. But you've brought more than, between amicus briefs and

lawsuits, what, like 60 or 70 actions in the last six months. Can you talk about why you think this is key?

**ATTORNEY GENERAL ROB BONTA:** The Democratic AGs, and here in California, through the work of my office, we are fighting back, and we are getting things done. We are making a difference. We have sued the president here in California 37 times in 29 weeks — more than once a week — to great success. Out of the 20 times when an order has been issued by a court, we've won 90% of the time, secured 18 different orders. We prevented \$168 billion from being improperly and unconstitutionally withheld from the people of California, a return on investment of \$1 of investment leading to \$33,600 in return in protected federal funding.

So, it's important to tell the story of the Democratic attorneys general fighting back unapologetically, resolutely, pushing back against a president who is blatantly, brazenly, consistently and frequently breaking the law and trampling over the Constitution, and tell the story that we are winning in court and stopping him and blocking him. When we push back and fight and show courage and go to court, we win. And so, that's an important story to tell. I'm very proud of — to work with all my Democratic attorney general colleagues across this nation to fight back against a repeat offender, lawless and law-breaking president.

**AMY GOODMAN:** Rob Bonta, I want to thank you for being with us, attorney general of California.

**ATTORNEY GENERAL ROB BONTA:** Thank you, Amy.