



Written by [Veronika Kyrylenko](#) on September 2, 2025

Judge Rules Trump's LA Troop Deployment Broke Federal Law

A federal court in California ruled Tuesday that President Donald Trump broke the law when he sent Marines and National Guard troops into Los Angeles during immigration protests earlier this summer.

U.S. District Judge Charles Breyer, in a [52-page opinion](#), said the deployments violated the [Posse Comitatus Act](#). The 1878 statute bars the military from engaging in domestic law enforcement unless Congress or the Constitution explicitly authorizes it. The judge wrote,

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 and around Los Angeles. In short, Defendants violated the Posse Comitatus Act.



AP Images
California National Guard at the Federal Building in downtown Los Angeles

The ruling restricts servicemembers from making arrests, conducting searches, or carrying out seizures in California. It also bars them from handling traffic or crowd control. The order does not force the withdrawal of 300 Guard members still in Los Angeles. But it blocks the administration from expanding their mission beyond what the law allows.

Breyer froze his injunction until September 12 at noon. The pause gives the Trump administration time to file an appeal with the Ninth Circuit Court of Appeals.

For "Protection"

The administration defended its actions by citing a presidential duty to protect federal property and personnel. It claimed that this constitutional authority allowed the president to override statutory limits.

Breyer dismissed that theory,

Under this "constitutional exception," as Defendants call it, the President has inherent constitutional authority to protect federal property, federal personnel, and federal functions, so any actions that can be construed as such "protection" are lawful in spite of the Posse Comitatus Act. This assertion is not grounded in the history of the Act, Supreme Court



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jurisprudence on executive authority, or common sense.

Congress, Breyer stressed, was explicit when it drafted exceptions to the Act. Military involvement is allowed only in narrow, defined scenarios. “That Defendants characterize this as an ‘exception’ to the statute is mere wordplay,” he wrote. “It does not change the fact that they seek to override Congress’s legitimate exercise of its own authority.”

The judge acknowledged that the government “no doubt has an inherent interest in the safety of federal personnel.” But, he added, that interest “must be secured in a lawful manner,” such as through coordination with state and local law enforcement.

Breyer added that the administration’s legal theory would effectively erase the law itself. “This reading would have rendered the Posse Comitatus Act effectively useless at the time it was passed,” he wrote, adding that “courts should avoid statutory interpretation that leads to such absurd results.”

LA Rebellion?

[The protests in Los Angeles](#) sparked in response to federal immigration raids in early June. Some protests were confined to a small stretch of downtown and remained largely peaceful. Others, however, turned into riots, and involved clashes with the Los Angeles Police Department (LAPD) and Immigration and Customs Enforcement (ICE).

President Trump portrayed the unrest as a threat to national authority. In his [memorandum](#) federalizing the California National Guard, he wrote:

To the extent that protests or acts of violence directly inhibit the execution of the laws, they constitute a form of rebellion against the authority of the Government of the United States.

Judge Breyer reached a different conclusion:

There were indeed protests in Los Angeles, and some individuals engaged in violence. Yet there was no rebellion, nor was civilian law enforcement unable to respond to the protests and enforce the law.

Breyer added that the deployments went beyond protecting federal property:

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.

Finally, Breyer noted that this was part of a “top-down, systemic effort” to use the military to enforce drug and immigration laws over “hundreds of miles and over the course of several months — and counting.”

Pattern of Deployment

The court also looked beyond Los Angeles to the administration’s wider plans. Breyer wrote,

President Trump and Secretary Hegseth have stated their intention to call National Guard



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troops into federal service in other cities across the country — including Oakland and San Francisco, here in the Northern District of California — thus creating a national police force with the President as its chief.

The Pentagon has since withdrawn about 700 Marines, but 300 Guard members remain in Los Angeles nearly three months later. Breyer dismissed the argument that their smaller presence made an injunction unnecessary:

Their point is not well taken. Those 300 National Guard troops are set to remain deployed through November ... and they have already been improperly trained as to what activities they can and cannot engage in under the Posse Comitatus Act.

The judge cited Trump's recent directives as proof of intent to expand deployments. [One order](#), issued on August 25, directed the Guard to train in "quelling civil disturbances." Days later, Trump declared (as quoted in Breyer's ruling):

I have the right to do anything I want to do. I'm the President of the United States. If I think our country is in danger, and it is in danger in these cities, I can do it.

For Breyer, such statements underscored the need for injunctive relief.

The Administration's Response

The White House denounced the ruling. Spokeswoman Anna Kelly said in a statement to the press,

Once again, a rogue judge is trying to usurp the authority of the commander-in-chief to protect American cities from violence and destruction.

She insisted that Trump "saved Los Angeles, which was overrun by deranged leftist lunatics sowing mass chaos until he stepped in."

Kelly added that "far-left courts" were trying to block the president from "carrying out his mandate to Make America Safe Again." She said the ruling "will not be the final say on the issue."

Broader Stakes

The ruling throws into question the scope of presidential power over the military inside U.S. borders. Trump invoked [Title 10](#) to federalize the Guard and claimed that law allowed his actions. Breyer disagreed, saying Title 10 does not override the Posse Comitatus Act.

Attorneys for California argued that Guard forces should not participate in immigration enforcement operations. Breyer agreed. His injunction blocks their use in support of federal agents carrying out those missions.

The decision now moves toward a likely clash in the Ninth Circuit. That court [earlier allowed](#) the Guard to remain in Los Angeles under different reasoning. But Breyer's ruling directly addresses the Act for the first time in this case.



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