

# The Dangers of Military Intervention in Civilian Law Enforcement

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# Executive Summary

For over two centuries, the boundaries separating the U.S. armed forces from civilian law enforcement on U.S. soil have been essential to the success of American democracy, from healthy civil-military relations to military readiness to troop morale. Around the world, political leaders have time and again succumbed to the temptation to deploy military personnel to enforce domestic law, consistently yielding the same destructive and counterproductive results.

This report examines the recent trend in the United States to tread this same path, an emerging pattern of domestic troop deployments that threatens to erode longstanding boundaries and the military's apolitical tradition. Drawing on episodes of federal military intervention — from the 1794 Whiskey Rebellion to the 1932 Bonus Army March and more recent deployments — as well as international experiences with military policing, this report identifies three dangers common to military intervention in civilian law enforcement:

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## Escalation

Military personnel are trained for military operations, not civilian law enforcement. Consequently, military interventions in domestic policing rarely improve public safety. Instead, they often escalate unrest due to a higher risk of excessive force, jeopardizing the rights of citizens and risking bodily harm to civilians and troops alike.

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## Disillusionment

Military interventions in civilian law enforcement lead to perceived and actual “mission creep” as troops assume policing duties beyond the scope of their combat training. Such misalignment between mission and training can erode civil-military relations, undermining trust and breeding disillusionment within the ranks of both civilian law enforcement and the armed forces.

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## Politicization

Because domestic military interventions often exceed traditional civil-military boundaries, they risk politicizing the armed forces and their role in civilian affairs, allowing the military to become a tool for authoritarian abuse. Political leaders tend to exploit these interventions for their own gain, undermining democratic accountability, the rule of law, and public trust in the military.

# Introduction

In the United States, a long-standing consensus holds that clear boundaries between the military and civilian law enforcement are a bulwark of healthy civil-military relations and democratic governance. While the military defends the nation against external security threats, civilian law enforcement enforces domestic laws. Within these distinct security spheres, the U.S. armed forces are trained for combat readiness and the deployment of maximum force against foreign adversaries. Civilian law enforcement, on the other hand, is trained to de-escalate and enforce the law in American communities while complying with prohibitions on excessive force, unreasonable searches, and other legal protections.<sup>1</sup> Large majorities of Americans view the maintenance of these distinct spheres as vital for public safety and democracy.<sup>2</sup>

The domestic deployment of military personnel for law enforcement purposes has been rare throughout much of American history. Combat-trained military personnel are not well-suited for civilian policing, and the legacy of a heavy-handed British army wreaking havoc in the colonies led the Founders and early lawmakers to vest law enforcement authority in the hands of civilian officials. Despite this historical reticence toward military policing, a recent report from former service secretaries and retired four-star admirals and generals has a warning:

“Domestic deployments, once extraordinary, have become increasingly routine. National Guard and active-duty troops have been used for missions ranging from immigration enforcement to urban ‘crime suppression,’ sometimes over state and local objections. This risks normalizing military involvement in civilian life and eroding the principle that public safety belongs under accountable civilian control.”<sup>3</sup>

The Trump Administration has also expanded its deployment of active-duty military lawyers to frontline civilian law enforcement roles. Some have been detailed to U.S. Attorney’s Offices to prosecute civilians in cases with no military connection, and many others have been designated as immigration judges within the Department of Justice.<sup>4</sup>

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<sup>1</sup> For more on the distinctions between domestic law enforcement and the U.S. military, see *Why the U.S. Military Is Not a Law Enforcement Organization*, Protect Democracy (Nov. 21, 2025), <https://tinyurl.com/ufap55ad>.

<sup>2</sup> *Survey: Americans Say Local Law Enforcement Should Handle Crime—Not the National Guard*, States United Democracy Ctr. (Oct. 7, 2025), <https://tinyurl.com/36mc7hrz>; see, e.g., Jessica Blankshain, Lindsay P. Cohn & Danielle L. Lupton, *I’m from the Government, and I’m Here to Help: Public Perceptions of Coercive State Power*, 119 *Am. Pol. Sci. Rev.* 384, 398 (2024), <https://tinyurl.com/4y5ffbvc> (“Participants in our study clearly did not believe that military forces are an appropriate substitute for police forces, despite broad public trust in the military and despite concerns about police tactics more broadly... [O]ur research shows that popular feeling is *ex ante* skeptical of both the appropriateness and effectiveness of such uses of military personnel.”).

<sup>3</sup> Adm. Steve Abbot et al., *The Perils of Politicizing the U.S. Military* 3, Count Every Hero (Nov. 17, 2025), <https://tinyurl.com/44vfe468>.

<sup>4</sup> See Brief of *Amici Curiae* Former U.S. Military Lawyers in Support of Defendant, *United States v. Johnson*, No. 0:26-MJ-00081-KMM-SGE (D. Minn. Mar. 10, 2026), <https://tinyurl.com/26tb2ztu>; James McPherson & Zachary West, Commentary, *Appointing JAGs to Prosecute Regular Civilian Cases Undermines Military and Violates Law*, *Nat’l L.J.* (Mar. 17, 2026), <https://tinyurl.com/293tjuwh>; Ximena Bustillo, *Military Lawyers Called Up to Relieve a Shortfall in Immigration Judges*, *NPR* (Sept. 2, 2025), <https://tinyurl.com/y9u2f83r>.

Notwithstanding these assignments, the military lawyers remain within the military chain of command under the president as commander-in-chief, subject to discipline under the Uniform Code of Military Justice (UCMJ).

## UNDERSTANDING THE MODERN FORCES

The evolution of the U.S. armed forces can be traced to the Founding Era distinction between state militias — citizen-armies under state control — and the federal Regular Army, composed of professional soldiers or “Regulars.”<sup>5</sup> Though the small Regular Army initially served as the federal government’s “first line of defense” against foreign threats, state militias could also be called into federal service to enforce domestic laws or bolster the federal military forces.<sup>6</sup> However, the militias’ inconsistent performance during the nineteenth century prompted a renewed push for professionalization of the state units, culminating in the Militia Act of 1903, which created the foundation for the modern National Guard.<sup>7</sup>

### Active-Duty

Active-duty personnel serve full-time as the federal government’s first line of national defense. They operate under federal authority and include the Army, Air Force, Navy, Marine Corps, Coast Guard, and Space Force.

### Reserves

Each of the services other than the Space Force has a corresponding reserve body. Reservists are part-time federal service members who drill regularly and complete annual training to augment active-duty forces when needed.<sup>8</sup>

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<sup>5</sup> See Robert Leider, *Deciphering the ‘Armed Forces of the United States’*, 57 Wake Forest L. Rev. 101, 105 (2022), <https://tinyurl.com/mtfufaie> (“At the Framing, the distinction between the army and the militia was in the nature of the service. The armies were the regular forces, while the militia was the citizen-army. Armies comprised professional soldiers — individuals whose primary occupation was military service. In contrast, the militia consisted of civilians who were liable to be called into military service on a part-time or emergency basis for defensive wars only. Like today, the historic militia was often divided between an active, volunteer component that regularly drilled and a common (or general) militia that rarely, if ever, gathered.”).

<sup>6</sup> U.S. Const. art. I, § 8, cl. 15; see also Libr. of Cong., *Artl.S8.C15.1 Congress’s Power to Call Militias*, Const. Annotated, <https://tinyurl.com/46wk64xf> (last visited Apr. 16, 2026) (“The act of February 28, 1795, which delegated to the President the power to call out the militia, was held constitutional.”); Gian Gentile et al., RAND Corp., *1 The Evolution of U.S. Military Policy from the Constitution to the Present* 17 (2019), <https://tinyurl.com/44kfzt2m>.

<sup>7</sup> See William C. Banks & Stephen Dycus, *Soldiers on the Home Front: The Domestic Role of the American Military* (Harv. Univ. Press 2016); see Eric Jones, *Evolution of the Military*, pt. 2, Stennis Ctr. for Pub. Serv. (Nov. 2021), <https://tinyurl.com/3snwh3av>. With the enactment of the National Defense Act of 1916, all states were required to adopt the “National Guard” designation for their militias. Corinna Baltos, *National Guard Celebrates 387 Years of Being ‘Always Ready, Always There’*, U.S. Army (Dec. 13, 2023), <https://tinyurl.com/t55yajyu>. Ultimately, the 1933 National Guard Mobilization Act formally established the Guard as a permanent reserve component of the Regular Army. Eric Jones, *Evolution of the Military* pt. 3, Stennis Ctr. for Pub. Serv. (Dec. 2021), <https://tinyurl.com/4ahn3f8f>.

<sup>8</sup> See Morgan Thomas, *Military 101: Understanding the Differences between Active Duty, National Guard and Reserves*, Council of State Gov’ts (Dec. 19, 2023), <https://tinyurl.com/mwfm6ad>.

## National Guard

The National Guard descends from nineteenth century state militias, and the primary chain of command still runs to each state's governor. However, Guard units can be federalized under specific statutory authorities. Today, the Guard can be activated in three ways:<sup>9</sup>

### State Active-Duty (SAD)

The presumptive status for Guard units is to remain under the governor's command and be governed by state law.<sup>10</sup> The Posse Comitatus Act, which generally restricts the use of federal troops for civilian law enforcement on U.S. soil, does not apply to Guard personnel in this status.<sup>11</sup>

### Title 32 (Hybrid Status)

Under Title 32, Guard personnel remain under state command and control, but they perform federal missions and the costs are covered by the federal government. Again, the Posse Comitatus Act does not apply because personnel are not, as a technical matter, federalized.

### Title 10 (Federalized Status)

Under Title 10, Guard units fall under the direct control of the Secretary of Defense and become legally indistinguishable from their active-duty counterparts. Guard personnel in this status work for the Department of Defense rather than their state governors and are bound by the Posse Comitatus Act — unless one of the “express[]” exceptions applies. Federalizing the Guard for domestic interventions poses a particularly pronounced risk to the boundaries separating military force from civilian policing.

This report examines the real-world consequences of deploying troops in a domestic law enforcement capacity, tracing the record of federal military interventions<sup>12</sup> from the early American republic through the enactment of the 1878 Posse Comitatus Act and into the present.

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<sup>9</sup> See *Understanding the National Guard*, Protect Democracy (Nov. 26, 2025), <https://tinyurl.com/4m2harwc>; Joseph Nunn, *The Posse Comitatus Act, Explained*, Brennan Ctr. for Just. (Sept. 29, 2025), <https://tinyurl.com/y7zdht3e>; William Banks, *Expert Backgrounder: Federalizing the National Guard and Domestic Use of the Military*, Just Sec. (Feb. 21, 2024), <https://tinyurl.com/3xfk3r5f>.

<sup>10</sup> The District of Columbia National Guard is a unique exception. Unlike other state units, the D.C. National Guard falls under the president's command at all times, making it subject to the Posse Comitatus Act. The Trump Administration has “asserted questionable authority to deploy the D.C. Guard for law enforcement purposes without following the procedures under the Insurrection Act.” *Understanding the National Guard*, *supra* note 9.

<sup>11</sup> The text of the Posse Comitatus Act specifically refers to the branches of the U.S. military, so the prohibition on domestic law enforcement does not extend to National Guard while they remain in state status. See 18 U.S.C. § 1385.

<sup>12</sup> Unless otherwise specified, this report uses the terms “military personnel” and “military interventions” when discussing U.S. deployments to refer specifically to the use of federal troops.

It then draws lessons from foreign governments that have turned to their militaries to support, and sometimes supplant, civilian policing authorities — often with deleterious implications for public safety and the rule of law.

To be sure, both in the U.S. and abroad, military force has in extreme cases proven necessary to manage crises when civilian authorities are overwhelmed. But as the following sections show, military interventions otherwise carry common dangers, including:

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**Put simply, increased deployments of federal military personnel for domestic policing should deeply concern all Americans, especially those who value public safety and the integrity of the U.S. armed forces.**

# Early U.S. History

Throughout the first century of American history, military interventions in civilian law enforcement often resulted in **escalation, disillusionment, and politicization**. Prior to the American Revolution, the British army's excessive use of force fueled deep skepticism of military overreach in civilian affairs — a sentiment that persisted during the early republic. While domestic troop deployments were more limited during the Jacksonian era, the onset of the Civil War and Reconstruction saw an unprecedented expansion of the military's law enforcement role, spurred by the extraordinary internal security threats facing the nation.

Where federal troops were deployed judiciously to address critical needs and support civilian policing authorities, the military largely maintained its disciplined and professional posture. However, where they deployed under political pretense rather than as a force of last resort, history indicates higher risks of abuse and overreach. The following vignettes trace that pattern and the evolution of domestic military interventions from the Founding era through the enactment of the Posse Comitatus Act, highlighting the inherent risks of using troops for civilian law enforcement.<sup>13</sup>

## Revolutionary Period & Early Republic

Domestic troop deployments during the early American republic provide important context for understanding the long-standing skepticism in the United States of military interventions in civilian law enforcement. Compared to the robust local, state, and federal law enforcement infrastructure that emerged in the twentieth century, civilian policing capacity was extremely limited during this period. For roughly the first century after the Founding, a combination of state militias and Regular Army troops served as the federal government's primary domestic security force, reflecting a security environment fundamentally different from the modern era.

The architects of the new American system of government regarded standing armies as potential instruments of autocracy. Wary of repeating British abuses, they limited the president's

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<sup>13</sup> This report's discussion of U.S. history is broken into roughly two periods — before and after the enactment of the Posse Comitatus Act of 1878. The discussion does not provide an exhaustive account of every domestic military operation or invocation of the Insurrection Act, nor does it offer a comprehensive legal assessment of domestic troop deployments. Instead, the analysis surveys an illustrative sample of historical episodes where federal troops intervened directly in civilian law enforcement or deployed domestically under the pretext of "fighting crime" or "restoring order." For a more detailed account of other invocations of the Insurrection Act not discussed here, see Joseph Nunn & Elizabeth Goitein, *Guide to Invocations of the Insurrection Act*, Brennan Ctr. for Just. (Apr. 25, 2022), <https://tinyurl.com/58wx5xvr>.

authority to deploy the military domestically while permitting local interventions when absolutely necessary.<sup>14</sup>

Long before Thomas Jefferson lamented in the Declaration of Independence that King George III had “affected to render the Military independent of and superior to the Civil power,” the Boston Massacre had already crystallized fears of perpetual military intrusion among the American colonists. In the late 1760s, the British government deployed over 2,000 troops to Massachusetts to suppress resistance to its unpopular tax policies.<sup>15</sup> On March 5, 1770, tensions erupted when British troops fired on a crowd in Boston, killing five colonists. Rather than restoring order, the deployment of British soldiers heightened hostilities — an early display of the escalation risks inherent to using combat-trained troops for law enforcement.

Shays’ Rebellion in 1786 further shaped the Founding era approach to domestic unrest. When Massachusetts tax collectors began seizing property from debtors, public discontent and violent resistance spread rapidly. Constrained by the Articles of Confederation, the federal government struggled to coordinate an adequate response, and the episode convinced many leaders of the need for stronger federal authority to better manage major domestic disturbances.<sup>16</sup>

Together, the Boston Massacre and Shays’ Rebellion influenced how early American leaders approached domestic military interventions. Beginning with President George Washington, successive administrations occasionally turned to the nascent armed forces for law enforcement support in extraordinary circumstances.

During the 1794 Whiskey Rebellion, President Washington relied on statutory authority to federalize state militias against protests over an excise tax in western Pennsylvania. Mindful of the risks of perceived federal overreach, Washington proceeded cautiously, as some officials feared that military intervention would escalate tensions.<sup>17</sup> Prior to the deployment of federal force, Washington adhered to statutory protocol and first attempted to persuade Pennsylvania

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<sup>14</sup> Article I, Section 8 of the U.S. Constitution grants Congress the power to declare war and to “provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions.” See Scott R. Anderson, *The Real Legal Limits on Domestic Military Deployments*, Lawfare (Nov. 19, 2024), <https://tinyurl.com/4d8t5evm> (“The Framers are widely understood to have intended for these steps to be used ‘only as a last resort’ where other means of maintaining domestic stability and the rule of law had failed. But their main approach to limiting the abuse of such authority was not to install hard constitutional restrictions, but to instead vest that authority in Congress, the most democratic branch of government.”).

<sup>15</sup> Jennifer K. Elsea, Cong. Rsch. Serv., R42659, *The Posse Comitatus Act and Related Matters: The Use of the Military to Execute Civilian Law* 4 (2018), <https://tinyurl.com/mrxe9xzk> (“[T]he troops involved in the Boston Massacre were stationed in Massachusetts not for protection against a marauding invader as they had been in the French and Indian Wars, nor to accomplish the transition between civil governments within a conquered territory as they had been after the French lost Canada to the British as a consequence of those conflicts, but as an independent military force quartered among a disgruntled civilian population to police it.”).

<sup>16</sup> *Id.* at 7 n.39.

<sup>17</sup> For instance, Secretary of State Edmund Randolph “doubted the expediency of using the militia,” while Pennsylvania Governor Thomas Mifflin also expressed concerns that a military intervention “might provoke an even worse rebellion.” See Robert W. Coakley, U.S. Army Ctr. of Mil. Hist., *The Role of Federal Military Forces in Domestic Disorders 1789–1878* 37 (1988), <https://tinyurl.com/ap7cskbc>.

Governor Thomas Mifflin to deploy state forces.<sup>18</sup> But as unrest spread, Washington exercised his authority as commander-in-chief to mobilize over 10,000 militiamen, many of them volunteers “ready to hang rebels indiscriminately.”<sup>19</sup> Despite repeated calls for restraint, the assembled militias carried out arbitrary arrests and destroyed private property during their long march across Pennsylvania, and two civilians died during separate encounters involving militiamen.<sup>20</sup>

When troops reached the site of the unrest, little resistance actually remained. As Secretary of the Commonwealth of Pennsylvania Alexander Dallas wrote:

“[F]ifteen thousand men have been marched three hundred miles without a symptom of opposition ... with plenty around them of everything but armed enemies.”<sup>21</sup>

Although the intervention was largely praised at the time for restoring order, the absence of serious resistance once the militias arrived raised doubts about its necessity. The deployment also came at a cost of more than \$1 million — far exceeding any potential excise tax revenue — and about a dozen soldiers died from illness and other accidents carrying out the mission.<sup>22</sup>

A similar episode played out in 1799, when widespread resistance to a new federal tax erupted in eastern Pennsylvania, culminating in the Fries Rebellion. Unlike Washington’s relatively deliberative approach to the Whiskey Rebellion, President John Adams acted swiftly and unilaterally, deploying federalized militia and Regular Army troops without first consulting state authorities. Adams’s impulse to deploy federal force was encouraged by officials like Secretary of War James McHenry, whose aggressive military response proved counterproductive, frightening local populations with arbitrary arrests and intimidation campaigns.

One officer criticized the excessive and unnecessary show of military force, reflecting:

“The system of terror here, I am sorry to say, is carried far beyond what, in my opinion, the public good requires.”<sup>23</sup>

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<sup>18</sup> In accordance with the existing statutory framework, Washington first received a certificate from an Associate Justice of the Supreme Court and attempted to convince Governor Mifflin to deploy state militias before pursuing federal intervention. See William C. Banks, *Law Enforcement by Military Means in the United States: Soldiers as Peacekeepers and Cops, Cops as Soldiers in Rechtsdurchsetzung mit Militärischen Mitteln: Inlandseinsätze der Armee und Militarisierung der Polizei* [Law Enforcement by Military Means: Domestic Operations of the Army and Militarization of the Police] 135, 141 (Uwe Kischel & Sebastian Graf von Kielmansegg, ed., Mohr Siebeck 2018), <https://tinyurl.com/3sd42r8t>.

<sup>19</sup> Coakley, *supra* note 17, at 45.

<sup>20</sup> In final orders sent on behalf of President Washington to General Henry Lee, Secretary of the Treasury Alexander Hamilton made clear that the military was not to supplant civilian authorities. Hamilton wrote: “You are to exert yourself by all possible means to preserve discipline among the troops, particularly a scrupulous regard to the rights of persons and property and a respect for the authority of the civil magistrate....” Letter from Alexander Hamilton, Treasury Sec’y, to Gen. Henry Lee (Oct. 20, 1794), as reprinted in Nat’l Archives, *Founders Online*, <https://tinyurl.com/pzwwvm4n> (last visited May 27, 2026). Because most leaders of the initial unrest fled before the arrival of federal forces, “Lee and Hamilton’s arrest measures had an air of arbitrary selection about them.” *Id.* at 61. Meanwhile, “[t]he militia had killed two men while en route ... and while both deaths were judged accidental, the circumstances under which they occurred gave evidence of carelessness if not of malevolence.” *Id.* at 50.

<sup>21</sup> Coakley, *supra* note 17, at 58.

<sup>22</sup> *Id.* at 66–67 (“To balance the suffering of the inhabitants in the West in the relatively arbitrary arrests and imprisonments, about a dozen soldiers died on the expedition from sickness, disease, or accident, and many others were incapacitated from the hardships of the march.”).

<sup>23</sup> William W.H. Davis, *The Fries Rebellion* 102 (Doylestown, Doylestown Pub. Co. Printers 1899), <https://tinyurl.com/3je785fm>.

Another lamented:

“[E]very hour’s experience confirms ... this expedition was not only unnecessary, but violently absurd.... [A] sergeant and six men might have performed all the service for which we have been assembled at so heavy an expense to the United States, and with such a loss of important time to us....”<sup>24</sup>

Adams ultimately withdrew the troops and issued pardons to many of those involved in the unrest, effectively negating the need for the federal intervention in the first place.

During the Whiskey and Fries Rebellions, Washington and Adams each relied on statutory authority to deploy military force domestically. Washington acted under the Calling Forth Act of 1792, which required state approval and certification from a U.S. Supreme Court justice or federal district judge before the president could intervene with federal forces.<sup>25</sup> However, the Militia Act of 1795 subsequently removed most of these checks on executive power, granting the president considerable discretion to deploy state militias — enabling Adams’s more heavy-handed response to the Fries Rebellion.

Later, President Jefferson sought broader authority to deploy Regular military forces — in addition to state militias — in response to the Burr conspiracy, a botched military plot orchestrated by his former Vice President to seize western territory and establish an independent nation.<sup>26</sup> In March 1807, Congress responded and passed the Insurrection Act,<sup>27</sup> authorizing the president to deploy federal military personnel in “all cases of insurrection, or obstruction to the laws ... for the purpose of suppressing such insurrection, or of causing the laws to be duly executed.”<sup>28</sup> Originally intended as a tool to support states facing insurrection, the act expanded presidential authority beyond the earlier militia statutes by permitting the use of the Regular military forces to enforce the law.<sup>29</sup>

It was under this authority that Jefferson deployed Regular Army troops alongside federalized state militias to suppress opposition to his controversial trade embargo in 1808.<sup>30</sup> After the federal government cut off the United States from the global market, trade-dependent

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<sup>24</sup> *Id.* at 139.

<sup>25</sup> Michael R. Rouland & Christian E. Fearer, *Calling Forth the Military: A Brief History of the Insurrection Act*, 99 *Joint Force Q.* 124, 126 (2020), <https://tinyurl.com/4n47y5fr>.

<sup>26</sup> See Ronald G. Shafer, *A Former Vice President was Tried for Treason for an Insurrection Plot*, *Wash. Post* (Sept. 26, 2022), <https://tinyurl.com/yzs3iuy5>.

<sup>27</sup> As it is known today, the Insurrection Act refers to an amalgamation of laws enacted between 1792 and 1871. These include the Calling Forth Act of 1792, the Militia Act of 1795, the Insurrection Act of 1807, the Militia Act of 1861, and the Ku Klux Klan Act of 1871 (10 U.S.C. §§ 251–255). Hereinafter — unless otherwise specified — we refer to this collection of statutes simply as the “Insurrection Act.” See Joseph Nunn & Elizabeth Goitein, *The Insurrection Act, Explained*, *Brennan Ctr. for Just.* (Nov. 12, 2025), <https://tinyurl.com/mtuyda5k>.

<sup>28</sup> Act of March 3, 1807, ch. 39, 2 Stat. 443 (1807), <https://tinyurl.com/46fe7v3y>.

<sup>29</sup> See *The Insurrection Act, Explained*, *Protect Democracy* (Nov. 26, 2025), <https://tinyurl.com/53v5wdrk>.

<sup>30</sup> Thomas Jefferson, *Proclamation on the Embargo*, 19 April 1808, as reprinted in *Nat’l Archives, Founders Online*, <https://tinyurl.com/4bhmxcn> (last visited May 27, 2026); see H.N. Muller, *Smuggling into Canada: How the Champlain Valley Defied Jefferson’s Embargo*, 38 *Vt. Hist. S.* 9, 10 (1970), <https://tinyurl.com/26w263wfi>; see Coakley, *supra* note 17, at 86–90 (“Early in June Secretary of War Henry Dearborn dispatched the first regulars, a detachment of artillery, to the Lake Champlain area.... By mid-September the militia had been replaced by regular troops everywhere except in some areas in Vermont. One reason for this policy was clearly that many militiamen tended to be sympathetic to their smuggling neighbors.”).

communities near the Canadian border organized resistance to the embargo policy.<sup>31</sup> The government's characterization of the civil disobedience here as an "insurrection" only deepened public hostility, and persistent public opposition eventually forced Congress to repeal parts of the embargo. The federal military intervention failed to either shift public opinion or enforce compliance with the embargo, underscoring the limitations of politically-charged domestic military operations.

## Jacksonian Era

During the Jacksonian era, domestic military interventions were limited to episodes of intense civil unrest that overwhelmed local authorities.<sup>32</sup> In a majority of these cases, however, unrest subsided before active military force was actually deployed.

The Nullification Crisis of 1832 provides one such example. When South Carolina attempted to nullify the federal government's steep tariffs, Congress authorized President Andrew Jackson to use the Army and Navy to enforce the law and collect duties.<sup>33</sup> Although a legislative compromise was reached before federal force was deployed, the crisis illustrated the potential for politicization had Jackson ordered a preemptive troop deployment.

While a military confrontation was avoided in South Carolina, Jackson later deployed federal troops amid violent labor unrest along the Chesapeake and Ohio (C&O) Canal in Maryland. Jackson proceeded with the deployment without first issuing a formal proclamation under the Insurrection Act, and federal troops helped stabilize the conflict alongside local authorities.<sup>34</sup> Still, the deployment failed to stymie subsequent unrest in the area and raised questions about the military's use as a political tool to suppress labor on behalf of C&O Canal Company president and Jackson's close friend, former Secretary of War John Eaton.<sup>35</sup>

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<sup>31</sup> The embargo left border communities in Vermont particularly vulnerable to economic headwinds. Merchants scrambled to fill orders and customers were no longer able to afford goods, spurring local resistance to the federal law. See Mark Bushnell, *Then Again: The Embargo with Canada, and Its Many Local Smugglers*, VTDigger (Mar. 16, 2025), <https://tinyurl.com/37tpcs68>.

<sup>32</sup> See Nunn & Goitein, *supra* note 13.

<sup>33</sup> Hist., Art & Archives, U.S. House of Representatives, *The Tariff of Abominations: The Effects*, <https://tinyurl.com/bdzj2nts> (last visited May 27, 2026); see *Today in History - January 13: The Nullification Crisis*, Libr. of Cong., <https://tinyurl.com/ytx694j2> (last visited May 27, 2026).

<sup>34</sup> Elsea, *supra* note 15, at 12; see Nunn & Goitein, *supra* note 13; Coakley, *supra* note 17, at 103–06 ("The incident long passed unnoticed by historians, though it appears to have been a precedent-setting event in two important respects: It marked the first use of federal troops at the request of state authorities to suppress a domestic disorder and their first use in connection with a labor dispute.... [T]he troops undoubtedly helped to stabilize the situation on the canal at a particularly critical time.... And indeed it was the local militia rather than the federal troops who played the more important role in bringing the riots under control in 1834.").

<sup>35</sup> Federal troops maintained an extended presence as a security force of sorts for the C&O Canal Company long after tensions settled, leading some to question the deployment's potential ties to Eaton — especially given his friendship with President Jackson. See Joshua D. Rothman, *Andrew Jackson and the C & O Canal*, *We're History* (Jan. 29, 2019), <https://tinyurl.com/wst2r9kn>; Coakley, *supra* note 17, at 103–06 ("[The canal's] construction and operation were the tasks of the Chesapeake and Ohio Canal Company, of which John H. Eaton, Jackson's close friend and former secretary of war, became president in mid-1833. The company was beset by financial difficulties almost from the start, and by early 1834 was in the throes of an acute crisis, unable to pay cash wages to its labor force.... Richard B. Morris contends that [the troops] helped to bail Jackson's friend, John H. Eaton, out of a difficult situation. At least Eaton wrote to a friend that the presence of the troops would enable the company to proceed with widespread dismissals of laborers....").

## Civil War & Reconstruction

From the onset of the Civil War through the end of Reconstruction in the 1870s, the scope of domestic military interventions expanded to unprecedented roles in both civilian law enforcement and day-to-day governance.

Following the outbreak of the Civil War in April 1861, President Abraham Lincoln invoked the Insurrection Act to deploy federal troops into seceding Southern states, ushering in a wartime security framework that lasted through the 1870s.<sup>36</sup> In turn, Congress amended the Insurrection Act, granting the president broader powers to federalize state militias and deploy Regular troops to enforce federal law and suppress rebellion.<sup>37</sup> The 1861 expansion of the Insurrection Act was an extreme measure for extraordinary times, designed to give the president needed flexibility as a war of unprecedented ferocity threatened to tear the nation apart. But by broadening the statutory triggers for presidential authority, Congress moved away from the basic precept that federal troops would be deployed domestically only when civilian institutions had failed and only upon a state's explicit request.

Beyond troop deployments in the South, the military was also used to suppress draft riots in the North. Most notably, anti-draft protests in New York City during the summer of 1863 overwhelmed the city's police force, prompting federal military intervention. Poor command-and-control exacerbated tensions and resulted in both military and civilian casualties, calling into question the military's use of excessive force and its overall capacity to manage civil unrest.<sup>38</sup>

The military also expanded its role in supervising elections in several border states where troops guarded polling sites — often to ensure that pro-Union candidates came out ahead.<sup>39</sup> While the existential threat from the Confederacy was held up to justify these interventions, they also fueled intense pushback from Democratic lawmakers.<sup>40</sup>

After the war, federal troops remained throughout the South to enforce Reconstruction, effectively operating as an ongoing military occupation, alongside other extraordinary measures taken by the federal government to facilitate readmission of Confederate states and

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<sup>36</sup> Abraham Lincoln, Proclamation 80—Calling Forth the Militia and Convening an Extra Session of Congress (Apr. 15, 1861), as reprinted in Am. Presidency Project, <https://tinyurl.com/4ni6t76n> (last visited May 27, 2026).

<sup>37</sup> Act of July 29, 1861, ch. 25, 12 Stat. 281, <https://tinyurl.com/56bkdmhm>.

<sup>38</sup> See Iver Bernstein, *The Volcano Under the City: The Significance of Draft Rioting in New York City and State, July 1863*, in *State of the Union: New York and the Civil War* 17 (Harold Holzer ed., Fordham Univ. Press & N.Y. St. Archives P'ship Tr. 2002), <https://tinyurl.com/ynwe4jux>; Lawrence Lader, *New York's Bloodiest Week*, Am. Heritage (June 1959), <https://tinyurl.com/523xv7kx>; see also Rouland & Fearer, *supra* note 25, at 128 ("Bloodshed in the city's streets, wrought by the military and rioters, caused considerable consternation for the Lincoln administration."). The clash in New York City followed earlier breakdowns in the chain of command that transpired at the start of the war. See Dan Maurer, *The Generals' Constitution In Extremis: Civil Rights, Civilian Supremacy, and a National Security Commitment "Most Severely Tested"*, 17 Harv. Nat'l Sec. J. 164, 186 (2025), <https://tinyurl.com/3cbfrevz>.

<sup>39</sup> See Chris Mirasola, *Domestic Military Deployments After Trump v. United States*, 67 Wm. & Mary L. Rev. 189, 205–06 (2025), <https://tinyurl.com/yc3683vm> ("[I]t was without too much trouble that federal troops were able to eject voters expected to vote against the President's ticket.... These military actions were also based on the real fear, at the time, that many of these border states would secede from the Union.")

<sup>40</sup> *Id.* at 204–05 ("Indeed, by the 1864 presidential election, a core tenet of the Democratic Party's platform was criticizing the Lincoln Administration for using the military to oversee these elections.... [but] [w]e cannot, of course, separate Democrats' critique of federal military action from their overt racism at the time.")

enforcement of the Thirteenth, Fourteenth, and Fifteenth Amendments. In the former Confederacy, the Regular Army took on an active role in civilian governance, as violence intensified at the hands of terrorist groups like the Ku Klux Klan and the White League. In response to this growing white supremacist violence, Congress enacted the Ku Klux Klan Act in 1871 — a further expansion of the Insurrection Act — authorizing the president to deploy federal military force when “any part or class of people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law.”<sup>41</sup>

Federal troops also served as a critical bulwark for the political rights of newly freed Black citizens in the South. But the military’s role in suppressing voter intimidation and protecting free and fair elections sparked immense backlash from white Southerners. Despite accusations of direct military interference in the electoral process, federal troops primarily served in supervisory roles to safeguard the constitutional rights of Black voters.<sup>42</sup>

Just as Reconstruction came to an end, the federal government’s response to the Great Railroad Strike of 1877 previewed the future of domestic military interventions. Governors called on state militias and requested federal military assistance to crack down on striking workers, fanning the flames of unrest. Although President Rutherford B. Hayes was at first reluctant to use the military as a constabulary force, he ultimately invoked the Insurrection Act and deployed federal troops to several states.<sup>43</sup> The public came to view this deployment as the federal government providing a private security force for the powerful railroad industry, renewing concerns about military neutrality. Even as he deployed troops, Hayes maintained that the military alone could not address the underlying causes of popular unrest.<sup>44</sup> This tension would define the labor-related deployments that followed at the turn of the century.

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<sup>41</sup> Act of Apr. 20, 1871, ch. 22, §3, 17 Stat. 14, <https://tinyurl.com/2sv36szj>.

<sup>42</sup> See William Blair, *The Use of Military Force to Protect the Gains of Reconstruction*, 51 *Civil War Hist.* 388, 396 (2005), <https://tinyurl.com/377hhrw9> (“[T]he army had three basic activities: enforcing civil law by helping state and federal officials; patrolling the countryside on election days to preserve calm; and preventing bloodshed during contested elections until civil authority could sort matters out.”). Leading up to the 1874 elections in New Orleans, for instance, President Ulysses S. Grant was cautious in his request that troops assemble “close enough to the polls to prevent riots and intimidation of voters, yet distant enough to preclude accusations of military interference in politics” — an implicit acknowledgement that even a well-intentioned military presence could carry the risk of appearing politicized. Coakley, *supra* note 17, at 327–28.

<sup>43</sup> Following Hayes’s invocations of the Insurrection Act, federal troops were deployed to West Virginia, Maryland, and Pennsylvania in July 1877. Nunn & Goitein, *supra* note 13.

<sup>44</sup> Clayton D. Laurie & Ronald H. Cole, U.S. Army Ctr. of Mil. Hist., *The Role of Federal Military Forces in Domestic Disorders, 1877–1945* 54 (1997), <https://tinyurl.com/2khyd24>.

# Adoption of the Posse Comitatus Act

Following a decade of military occupation in the former Confederacy, tensions between white Southerners and federal troops came to a head during the contested presidential election of 1876. To prevent intimidation against Black voters<sup>45</sup> — who were then participating at high rates in elections throughout the postbellum South — President Grant deployed federal troops to polling places under the 1861 and 1871 expansions of the Insurrection Act.

When it became clear that the election hinged on twenty disputed electoral votes from four states (with the final margin coming down to a single vote), Democrats alleged that federal troops had tipped the scales in favor of the Republican candidate, Rutherford B. Hayes, and threatened to block certification of the results. In what became known as the “Compromise of 1877,” Democrats largely dropped their opposition to certifying the election for Hayes in exchange for his commitment to withdraw federal military personnel from the South. After Hayes’s inauguration — and following the federal military intervention in the Great Railroad Strike — lawmakers advanced the Posse Comitatus Act, which generally prohibited the use of federal troops for civilian law enforcement unless expressly authorized by the Constitution or an act of Congress.<sup>46</sup> Originally limited to the Army, the act was extended to the Air Force in 1956 and to the Navy, Marine Corps, and Space Force in 2021.<sup>47</sup> Although violations carry criminal penalties, no one has ever been charged under the law.<sup>48</sup>

Congress has carved out a number of express exceptions permitting military personnel to support law enforcement in specific circumstances, including counter-drug and border security operations and responses to natural disasters.<sup>49</sup> Most notably, the Insurrection Act authorizes federal troops to perform law enforcement duties to suppress “any insurrection, domestic violence, unlawful combination, or conspiracy,” or when extraordinary circumstances render civilian police unable or unwilling to uphold federal law.<sup>50</sup>

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<sup>45</sup> The Nineteenth Amendment was not ratified until several decades later, so the electorate at this time excluded all women and was comprised solely of male voters.

<sup>46</sup> Act of June 18, 1878, ch. 263, §15, 20 Stat. 152, <https://tinyurl.com/jrvwz2t>. Though ostensibly enacted as a check on military overreach, in practice the Posse Comitatus Act allowed Southern states to violate federal law and enforce state-sponsored segregation with impunity — effectively ending Reconstruction and the federal government’s efforts to safeguard civil rights in the South.

<sup>47</sup> Act of Aug. 10, 1956, ch. 1041, §18(a), 70A Stat. 626 (codified as amended at 18 U.S.C. § 1385), <https://tinyurl.com/yc3h6pnu> (amending the Posse Comitatus Act to include the Air Force); see also National Defense Authorization Act for Fiscal Year 2022, Pub. L. No. 117-81, § 1045, 135 Stat. 1541, 1904-05 (2021), <https://tinyurl.com/4bep22dx> (amending the Posse Comitatus Act to include the Navy, Marine Corps, and Space Force).

<sup>48</sup> Joseph Nunn, *Limiting the Military’s Role in Law Enforcement*, Brennan Ctr. for Just. (Oct. 2, 2024), <https://tinyurl.com/3nhj5vuu> (“Although [the Posse Comitatus Act] is a criminal statute, no one has ever been convicted of violating it, despite evidence of occasional violations. The only two prosecutions that have ever occurred under the law arose out of a single incident that took place in 1879, just a year after the law was enacted.”).

<sup>49</sup> See 10 U.S.C. §§ 271-284; see Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5208; Kristy N. Kamarck, Hannah D. Dennis & Nicholas M. Munves, Cong. Rsch. Serv., IF11324, *Defense Primer: Defense Support of Civil Authorities* (updated Apr. 9, 2025), <https://tinyurl.com/5dxprsrj>.

<sup>50</sup> See 10 U.S.C. §§ 251-255, <https://tinyurl.com/vy6juaiv>; *The Insurrection Act, Explained*, *supra* note 29.

# From the Posse Comitatus Act Through Today

While initially rooted in white Southern lawmakers' desire to prevent the military from protecting the rights of newly enfranchised Black Americans, the Posse Comitatus Act codified the boundaries between the roles of the U.S. armed forces and civilian law enforcement — the former responsible for external defense, the latter for internal security. Despite this deliberate separation and the military's own push for restraint in civilian affairs, domestic military interventions in policing have continued to exacerbate the **escalation, disillusionment, and politicization** risks that defined earlier troop deployments.

From the late nineteenth century through World War I, federal troops were deployed sporadically for civilian law enforcement — largely in response to labor unrest — and often driven by political considerations. By the 1930s, the professionalization and expansion of state and local police departments reduced reliance on the military for domestic disputes, and presidents during World War II and the postwar era used federal troops for law enforcement only on occasion to protect civil rights and respond to significant episodes of unrest.

In more recent decades, presidents from both parties have deployed the military for border control and counter-drug operations. President Donald Trump has gone further still, pursuing expanded domestic military interventions under the pretext of fighting crime, most prominently in Los Angeles and with the ongoing National Guard deployment in Washington, D.C., both of which have escalated tensions, disillusioned troops, and further politicized the military.<sup>51</sup>

## Pre-World War I

As the Industrial Revolution swept across the United States, growing labor movements and subsequent civil unrest were met with varying degrees of federal force. For instance, when roughly 4,000 Pullman Company rail workers in Chicago went on strike in the summer of 1894 — later joined by upwards of 250,000 rail workers nationwide — President Grover Cleveland responded with an overwhelming military intervention. Despite objections from Illinois Governor John Peter Altgeld, Cleveland deployed thousands of federal marshals and Regular Army troops

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<sup>51</sup> For instance, at a September 2025 gathering of military leaders, Trump suggested the military use its deployments to “dangerous” American cities as “training grounds.” Carla Babb, *Trump Suggests Using US Cities as 'Training Grounds' for Military*, Mil. Times (Sept. 30, 2025), <https://tinyurl.com/mtdv7wsd>.

to break the strikes in Chicago.<sup>52</sup> But the expanded federal presence only escalated tensions. Arbitrary detentions and clashes between civilians and soldiers left some 30 dead and many more injured. While some strikers were responsible for property damage that contributed to the unrest, the heavy-handed federal response made the situation worse.<sup>53</sup>

Around the same time, repeated miner strikes in Coeur d'Alene, Idaho triggered several military interventions throughout the 1890s. After the governor of Idaho declared "martial law" in 1892, federal military forces intervened to assist local authorities in detaining hundreds of miners — without due process — in a makeshift prison known as the "bullpen."<sup>54</sup> Though most detainees were eventually released, the military's role in carrying out arbitrary arrests undermined the rights of the local population and did little to prevent future unrest.

In 1894, President Cleveland deployed hundreds of federal troops to respond to renewed labor tensions in Coeur d'Alene. Though the military reported few disturbances on the ground, mine owners and state officials pressured Cleveland to maintain the deployment, hoping federal forces would function as a de facto private militia. Some elected officials were more concerned with dismantling organized labor, which posed a formidable political threat, than with restoring order.<sup>55</sup>

Tensions in Coeur d'Alene escalated again in 1899 following President William McKinley's deployment of federal troops, who, alongside local law enforcement, held more than a thousand men for months on end in another overcrowded "bullpen" facility.<sup>56</sup> State and federal officials continued to justify their apparently heavy-handed approach by pointing to the intermittent violence of the previous decade rather than any pressing security emergency. But the deployment's political aim was made explicit by Idaho Governor Frank Steunenberg, who declared:

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<sup>52</sup> See Robert Loerzel, *In 1894 Pullman Strike, Illinois' Governor Fought President's Decision to Bring in National Guard*, Chi. Trib. (June 22, 2025), <https://tinyurl.com/4paxc2d3>; *The Strike of 1894*, Nat'l Park Serv., (last visited May 18, 2026), <https://tinyurl.com/hy5a97b2>.

<sup>53</sup> See, e.g., Loerzel, *supra* note 52 ("On July 8, U.S. soldiers escorting a train fired at crowds in Hammond, killing an innocent bystander."); *The Strike of 1894*, *supra* note 52 ("In Chicago, mob activity increased with the military presence.... Fighting between the military and workers at rail yards in the Chicago area left dozens dead and more wounded."); Rachel Siegel, *Who Started Labor Day? The Bloody and Confusing History of an American Holiday*, Wash. Post (Sept. 4, 2017), <https://tinyurl.com/ye5utzst> ("[A] crowd acted out after a June 29 speech, setting buildings on fire and derailing a locomotive that was attached to a U.S. mail train.... Strikers acted out against the troops, overturning rail cars and erecting barricades at the rail yards. On July 6, roughly 6,000 rioters destroyed hundreds of rail cars in the South Chicago Panhandle yards.... National Guardsmen fired into a mob July 7, killing as many as 30 people and wounding others.").

<sup>54</sup> See Idaho State Hist. Soc'y, Reference Series No. 210, *Coeur d'Alene Mining Wars*, <https://tinyurl.com/36k65829> (last visited May 28, 2026). For additional information on the history of martial law in the United States, see Tim Lau & Joseph Nunn, *Martial Law, Explained*, Brennan Ctr. for Just. (June 9, 2025), <https://tinyurl.com/yhmak993> ("In the United States, martial law usually refers to a power that, in an emergency, allows the military to take the place of the civilian government and exercise jurisdiction over civilians in a particular area.... The Supreme Court has held that individual states have the power to declare martial law — and such a declaration is valid simply if it is authorized by the constitution or laws of the state. States have declared martial law far more frequently than the federal government. However, even under martial law, state officials are bound both by the U.S. Constitution and by valid federal laws.").

<sup>55</sup> Laurie & Cole, *supra* note 44, at 165 ("By September 1894 even a lieutenant serving in Coeur d'Alene discerned that the motive for retaining troops in the district had little to do with reopening railroads. He stated, 'There was no disorder, and I could see no reason for our presence except to overawe the striking miners.'").

<sup>56</sup> *Id.* at 171 ("A reporter for *Harper's Weekly* described one such sweep: .... '[S]oldiers were detailed to seize the miners as they came off shift.'"); see Joseph Nunn, *Guide to Declarations of Martial Law in the United States*, Brennan Ctr. for Just. (Aug. 20, 2020), <https://tinyurl.com/5yhnu8n>; Idaho State Hist. Soc'y, Reference Series No. 468, *Calendar of Idaho State Auditor's Correspondence Relating to Coeur d'Alene Mine Labor Problem, 1899–1900* (1969), <https://tinyurl.com/mr2srtva>.

"We have taken the monster by the throat and we are going to choke the life out of it.... It is a plain case of the state or the union winning, and we do not propose that the state shall be defeated."<sup>57</sup>

## World War I

Nearly four decades after the enactment of the Posse Comitatus Act, World War I again reshaped how federal and state officials used the military for civilian law enforcement. With much of the federal government bogged down with wartime planning and the National Guard federalized for service abroad, Secretary of War Newton Baker effectively sidelined the Posse Comitatus Act to allow for a quicker federal response to domestic unrest.<sup>58</sup> Beginning in 1917, Baker's "direct access" policy allowed state and local officials to circumvent the traditional chain of command in order to request federal troops directly.<sup>59</sup>

Although intended to streamline emergency responses during the war, Baker's policy was quickly exploited. Federal troops were deployed dozens of times in response to labor unrest and other civil disturbances, often without following congressionally mandated authorization procedures.<sup>60</sup> This decentralized process blurred civil-military boundaries by pushing deployment decisions down to lower-level officials, as President Woodrow Wilson was not himself intimately involved in most domestic deployment decisions. By the end of the war, however, the Wilson Administration attempted to restore normal procedures. In an about-face, Secretary Baker turned down a request from the governor of Georgia for federal troops, acknowledging that:

"[I]t should be borne in mind that our Regular or permanent Army is designed to resist and overcome enemies of our government.... The protection of private property, rights, and liberties, and lives of the inhabitants of any state is primarily the duty of the individual.... Use of federal troops for this class of duty has heretofore always been the last resort.... Our Constitution contemplates such force only when all other forces of a locality or state have been exhausted ... or [are] insufficient to meet the emergency."<sup>61</sup>

## Interwar Period

With the end of World War I, states worked to rebuild their National Guard units and strengthen civilian police forces in order to reduce their reliance on federal troops. Still, some state officials continued to rely on the military to intervene during episodes of civil unrest.

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<sup>57</sup> See Douglas O. Linder, *The Trial of William "Big Bill" Haywood: An Account*, <https://tinyurl.com/3cr7ecxc> (2007).

<sup>58</sup> Abigail R. Hall & Christopher J. Coyne, *The Militarization of U.S. Domestic Policing*, 17 *Indep. Rev.* 485, 491 (2013), <https://tinyurl.com/nt98xhnh>.

<sup>59</sup> Laurie & Cole, *supra* note 44, at 230 ("Baker allowed local and state officials to request and obtain federal troops directly from departmental Army commanders without going through the statutory procedure of a formal application to the president. One cabinet member had thus unilaterally suspended several laws, including RS 5297, RS 5298, RS 5299, and the Posse Comitatus Act, clearing the way for repeated legal violations in the years ahead.").

<sup>60</sup> Elsea, *supra* note 15, at 36.

<sup>61</sup> Laurie & Cole, *supra* note 44, at 310.

In October 1919, Arkansas Governor Charles Brough requested federal troops following a violent confrontation between white mobs and Black sharecroppers in the small town of Elaine. Despite the Wilson Administration's attempts to retract its wartime "direct access" policy, Secretary Baker authorized Brough to deploy Army personnel to suppress any unrest, which included arbitrary arrests of the local Black population.<sup>62</sup> Federal troops reportedly coordinated with white mobs, culminating in the Elaine Massacre. Historians suggest that the military's excessive force contributed to the deaths of hundreds of Elaine's Black citizens — another instance in which federal military intervention proved counterproductive by exacerbating violence.<sup>63</sup>

Federal troops also intervened amid persistent labor conflict in West Virginia during the early 1920s. While President Warren G. Harding initially refused requests for federal military intervention, citing state officials' previous misuse of military personnel, he eventually invoked the Insurrection Act and deployed federal troops during the 1921 Battle of Blair Mountain.<sup>64</sup> At Blair Mountain, striking workers actually viewed the arrival of federal troops as a victory for the rule of law against the violence perpetrated by state and local officials.<sup>65</sup> Shortly thereafter, Harding returned policing authority to civilian control in early 1922.

A decade later, the 1932 Bonus Army March resulted in one of the most controversial domestic military interventions in American history. Amid the throes of the Great Depression, over 40,000 demonstrators — including more than 15,000 World War I veterans — gathered in Washington, D.C., demanding early payment of their service bonuses. After clashes between the so-called "Bonus Marchers" and D.C. police left two veterans dead and law enforcement officers injured, President Herbert Hoover ordered the U.S. Army, led by then-Chief of Staff Douglas MacArthur, to assist in clearing the encampments. Although Hoover intended only a limited supporting role for the military, MacArthur exceeded the president's orders, using tear gas, bayonets, and tanks against the Marchers — resulting in hundreds of civilian injuries.<sup>66</sup>

Administration and Army officials attempted to justify the use of excessive force by portraying the Bonus Marchers as part of a dangerous "insurrectionist group," but the public was largely

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<sup>62</sup> Though Secretary Baker claimed to act on President Wilson's behalf, Wilson had suffered a debilitating stroke just days prior to the Elaine deployment, raising doubts about his direct involvement in authorizing the military intervention. During the deployment, a joint mission between civilian police and Army personnel included an arbitrary "sweep" of hundreds of local Black citizens. Later, many of those detained claimed that federal troops and law enforcement used torture and intimidation to extract confessions of wrongdoing. See Laurie & Cole, *supra* note 44, at 293, 295.

<sup>63</sup> See Grif Stockley & Jeannie M. Whayne, *Federal Troops and the Elaine Massacres: A Colloquy*, 61 Ark. Hist. Q. 272 (2002), <https://tinyurl.com/y93nrxyay>; Francine Uenuma, *The Massacre of Black Sharecroppers That Led the Supreme Court to Curb the Racial Disparities of the Justice System*, Smithsonian Mag. (Aug. 2, 2018), <https://tinyurl.com/cd43xmf4>.

<sup>64</sup> Laurie & Cole, *supra* note 44, at 320 ("The ineptitude and insensitivity displayed by West Virginia officials during the raid at Sharples convinced President Harding and his principal advisers that Governor Morgan and county officials were obviously too much a part of the problem to share in its solution.").

<sup>65</sup> *The Battle of Blair Mountain*, Nat'l Park Serv., <https://tinyurl.com/bdfxdtjt> (last visited Apr. 2, 2026) ("The miners willingly surrendered to the federal troops because they were not rebelling against the federal government, but rather against the local and state governments that catered to mining interests to the extent of denying citizens their constitutional rights. In fact, miners viewed the intervention of the military as a victory, seeing it as a signal that the rule of law would return to the region....").

<sup>66</sup> See Herbert Hoover, *Statement About the Bonus Marchers* (July 28, 1932), as reprinted in Am. Presidency Project, <https://tinyurl.com/2u53y8wp> (last visited May 28, 2026) ("In order to put an end to this rioting and defiance of civil authority, I have asked the Army to assist the District authorities to restore order."); Letter from Patrick J. Hurley, Sec'y of War, to Gen. Douglas MacArthur (July 28, 1932), as reprinted in Am. Presidency Project, <https://tinyurl.com/2u53y8wp> (last visited May 28, 2026) ("Cooperate fully with the District of Columbia police force which is now in charge.... Use all humanity consistent with the due execution of this order."); Laurie & Cole, *supra* note 44, at 383 ("Hoover instructed Hurley to explicitly forbid MacArthur to send troops across the river.... From the moment troops pushed marchers toward the river, MacArthur had violated the president's direct orders."); Nunn & Goitein, *supra* note 13 ("Completely without legal authority, MacArthur proceeded as if the Insurrection Act had been invoked or martial law had been declared.... But the fact that MacArthur was acting against the president's orders was not publicly known at the time and is not well-known even today.").

unconvinced by this inflammatory rhetoric and disgusted by the military's overreach.<sup>67</sup> Given that Hoover never authorized a direct confrontation with the Bonus Marchers, MacArthur's intervention reflected a clear breakdown of the chain of command that damaged public trust in the military's neutrality — and Hoover's credibility as commander-in-chief.

Following the events of the Bonus March, then-Governor Franklin D. Roosevelt reportedly called MacArthur one of the two "most dangerous men" in America for his willingness to use the military in service of his own political agenda.<sup>68</sup> Once elected president, Roosevelt's New Deal policies promoted better relations between labor and the federal government, which, combined with the emergence of stronger civilian police forces nationwide, reduced the temptation to use military personnel in domestic law enforcement.

## World War II

Domestic military interventions were rare during World War II, in part because of President Roosevelt's reluctance to deploy federal troops as an anti-labor constabulary.<sup>69</sup> Consequently, Roosevelt invoked the Insurrection Act only once during the war, in response to the 1943 Detroit riots.<sup>70</sup> Amid rampant police brutality and mob violence against the city's Black population, the arrival of federal troops was for the most part welcomed by the community and organizations like the NAACP, which recommended that the military maintain its presence until the unrest was settled.<sup>71</sup> In this instance, federal troops were helpful in restoring order because local law enforcement was itself a primary destabilizing force. Roosevelt deployed the military only when civilian police were unable and unwilling to manage the conflict — and when continued unrest threatened to undermine war production in a city that was essential to the Allied effort.<sup>72</sup>

On the other hand, the military played a central role in facilitating one of the era's most disgraceful federal policies. Starting in 1942, the Army's Western Defense Command (WDC) implemented Executive Order 9066, resulting in the mass detention of over 100,000 Japanese Americans.<sup>73</sup> The Supreme Court initially upheld the internment policy in its infamous *Korematsu* ruling, but in 1983 the Commission on Wartime Relocation and Internment of Civilians (CWRIC) concluded there was no military or public safety justification for the policy.<sup>74</sup> In 2018, the

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<sup>67</sup> MacArthur's political biases likely informed his deployment of excessive military force against the Bonus Marchers, which in turn harmed the military's reputation for neutrality and President Hoover's own political standing. Laurie & Cole, *supra* note 44, at 387–88.

<sup>68</sup> Maurer, *supra* note 38, at 190. According to Roosevelt, the second "most dangerous man" was Governor Huey Long. See Mark Perry, *Prologue: Albany in The Most Dangerous Man in America: The Making of Douglas MacArthur* (Basic Books 2014).

<sup>69</sup> See Laurie & Cole, *supra* note 44, at 422.

<sup>70</sup> See Franklin D. Roosevelt, Proclamation 2588 — Directing Detroit Race Rioters to Disperse (June 21, 1943), as reprinted in Am. Presidency Project, <https://tinyurl.com/4udnbhmn> (last visited June 1, 2026).

<sup>71</sup> See Walter White & Thurgood Marshall, NAACP, *What Caused the Detroit Riot?: An Analysis* 20–21 (1943), <https://tinyurl.com/58suayrn>.

<sup>72</sup> Detroit became known as the "Arsenal of Democracy" (a moniker popularized by President Roosevelt) because the city's vast mobilization and manufacturing capacity made its industrial output critical for the broader war effort. *Arsenal of Democracy*, Nat'l Guard Mag., Aug. 2024, <https://tinyurl.com/yr5ehhu2>.

<sup>73</sup> Exec. Order No. 9,066, 7 Fed. Reg. 1407 (Feb. 19, 1942), as reprinted in Am. Presidency Project, <https://tinyurl.com/4d3re48u> (last visited June 1, 2026).

<sup>74</sup> *Korematsu v. United States*, 323 U.S. 214 (1944); see Comm'n on Wartime Relocation and Internment of Civilians, *Personal Justice Denied: Report of the Commission on Wartime Relocation and Internment of Civilians* 8 (1983), <https://tinyurl.com/y66u42pa> ("In sum, the record does not permit the conclusion that military necessity warranted the exclusion of ethnic Japanese from the West Coast.").

Supreme Court formally renounced the *Korematsu* decision, noting it “was gravely wrong the day it was decided” and “has been overruled in the court of history.”<sup>75</sup>

Declassified reports later revealed that then-Lieutenant General John DeWitt, commander of the WDC, intentionally misrepresented the “military necessity” of internment to Army Chief of Staff General George Marshall — a distortion that ultimately informed the Supreme Court’s rulings on the policy.<sup>76</sup> The CWRIC also found that DeWitt “relied heavily on civilian politicians rather than informed military judgments” in crafting arguments for internment, underscoring how political considerations can seep into decisions regarding domestic military operations.<sup>77</sup> Although President Roosevelt authorized the internment program (with subsequent congressional support), its execution was spearheaded by military zeal, with decisions driven by politics and racial animus rather than genuine security needs.<sup>78</sup>

## Postwar Era

Throughout the postwar era, domestic military interventions were largely connected to the struggle for civil rights and, later, anti-war protests and urban unrest. During this period, presidents remained largely skeptical of deploying federal troops for law enforcement purposes, and troops were generally wary of domestic assignments.<sup>79</sup>

President Dwight D. Eisenhower’s 1957 invocation of the Insurrection Act in Little Rock, Arkansas marked the first domestic military intervention since the end of World War II. Eisenhower federalized the Arkansas National Guard and deployed the Army’s 101st Airborne Division to prevent Governor Orval Faubus from using state forces to block school integration at Central High in defiance of federal court rulings. Citing state officials’ “willful obstruction of justice,” Eisenhower removed the governor’s coercive ability to maintain school segregation and instead used troops to uphold federal law.<sup>80</sup> Presidents John F. Kennedy and Lyndon B. Johnson

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<sup>75</sup> *Trump v. Hawaii*, 585 U.S. 667, 715 (2018).

<sup>76</sup> See Eric K. Yamamoto, *Korematsu Revisited - Correcting the Injustice of Extraordinary Government Excess and Lax Judicial Review: Time for a Better Accommodation of National Security Concerns and Civil Liberties*, 26 Santa Clara L. Rev. 1, 2, 13, 17 n.55 (1986), <https://tinyurl.com/4tr69byw> (“According to recent judicial decisions, those now declassified government documents, many of which were discovered through Freedom of Information Act requests, revealed two extraordinary facts: first, government intelligence services unequivocally informed the highest officials of the military and of the War and Justice Departments that the West Coast Japanese as a group posed *no* serious danger to the war effort and that *no* need for mass evacuation existed; and second, that the Supreme Court was deliberately misled about the ‘military necessity’ which formed the basis of the *Korematsu* decision.”).

<sup>77</sup> Comm’n on Wartime Relocation and Internment of Civilians, *supra* note 74, at 8.

<sup>78</sup> In March 1942, Congress enacted legislation that criminalized any violation of military orders issued under Executive Order 9066. See Act of March 21, 1942, ch. 191, 56 Stat. 173, <https://tinyurl.com/bdhpqv9z>. The Supreme Court later ruled that “By the Act of March 21, 1942, Congress ratified and confirmed Executive Order No. 9066, and thereby authorized and implemented such curfew orders as the military commander should promulgate pursuant to that Executive Order.” *Hirabayashi v. United States*, 320 U.S. 81 (1943). The internment policy “directed to and drastically affected citizen civilians within the country” as “[c]itizens, on a mass basis, were allowed to be uprooted, removed and imprisoned by the military without trial, without attribution of guilt, without the institutional or individual procedural guarantees of Article Three and Amendments Five and Six, and without regard to the individual guarantees of Amendments One, Four, Five, and others.” See Jacobus tenBroek, Edward N. Barnhart & Floyd W. Matson, *Prejudice, War and the Constitution* 259, 260 (1954), <https://tinyurl.com/3ynhzpid>.

<sup>79</sup> Courts also pushed back on presidential use of the military for domestic law enforcement without express legal authorization. See, e.g., *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 634, 644 (1952) (Jackson, J., concurring) (“Congress ... authorized the President to use the army to enforce certain civil rights. On the other hand, Congress has forbidden him to use the army for the purpose of executing general laws except when expressly authorized by the Constitution or by Act of Congress.”).

<sup>80</sup> Exec. Order No. 10,730, 22 Fed. Reg. 7628 (Sept. 24, 1957), as reprinted in Am. Presidency Project, <https://tinyurl.com/4583carh> (last visited June 1, 2026).

later followed this precedent, deploying federal troops to Mississippi and Alabama to enforce court-ordered desegregation and protect citizens exercising their constitutional rights.<sup>81</sup>

Distinct from earlier twentieth century federal military interventions aimed at suppressing general unrest or labor disputes, these Civil Rights era deployments were grounded in the enforcement of the Fourteenth Amendment. The governors of Arkansas, Mississippi, and Alabama had each actively obstructed the exercise of constitutional rights through, among other actions, collaboration with local opposition and misuse of their National Guard units. Federal deployments in these cases therefore sought to uphold the rule of law in light of state-sanctioned deprivation of constitutional rights.

President Johnson also deployed federal troops to address mounting urban unrest during the summer of 1967. Following days of violent riots in Detroit, Johnson federalized the Michigan National Guard — which was already deployed under state control — and sent U.S. Army troops from the 82nd and 101st Airborne units into the city. But the military's intervention only led to further escalation, particularly from the federalized Guardsmen. State Guard units with little applicable training in civilian law enforcement were initially deployed under orders to "shoot any person seen looting," creating confusion when they were later federalized under orders to deploy minimum force against civilians.<sup>82</sup> Combined with the Guard's lack of riot-control training, these command-and-control challenges resulted in at least eleven civilians being killed by "trigger-happy" Guardsmen.<sup>83</sup> President Johnson's National Advisory Commission on Civil Disorders, also known as the Kerner Commission, subsequently concluded that National Guard troops were not well-suited for domestic law enforcement, emphasizing that "[c]ontrolling a civil disorder is not warfare."<sup>84</sup>

Though not an episode of direct federal military intervention, the Ohio National Guard's role in the 1970 Kent State tragedy also illustrates the potential escalation risks when military-trained personnel engage in civilian confrontations. Guard units called up by the governor indiscriminately fired into a crowd and killed four students during a campus anti-war protest. President Richard Nixon's Commission on Campus Unrest later described the use of lethal force

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<sup>81</sup> Elsea, *supra* note 15, at 42; see Exec. Order No. 11,053, 27 Fed. Reg. 9681 (Sept. 30, 1962), as reprinted in Am. Presidency Project, <https://tinyurl.com/yhcir3sf> (last visited June 1, 2026); Lyndon B. Johnson, Proclamation No. 3,645 — Providing Federal Assistance in the State of Alabama (Mar. 20, 1965), as reprinted in Am. Presidency Project, <https://tinyurl.com/2wk5e8tb> (last visited June 1, 2026).

<sup>82</sup> See Matthew D. Lassiter & Policing and Soc. Just. HistoryLab, *Occupying the City, in Detroit Under Fire: Police Violence, Crime Politics, and the Struggle for Racial Justice in the Civil Rights Era* (2021), <https://tinyurl.com/4fv5tdsf>. Deputy Police Commissioner John Nichols was critical of the "very, very poor" coordination between the police and military, particularly when local law enforcement had to teach federal forces "what the hell to do" on the spot. Paul J. Scheips, U.S. Army Ctr. of Mil. Hist., *The Role of Federal Military Forces in Domestic Disorders, 1945–1992* 197 (2012), <https://tinyurl.com/2u7e2ss8>; see Nat'l Advisory Comm'n on Civ. Disorders, *Report of the National Advisory Commission on Civil Disorders* 54 (1968), <https://tinyurl.com/4kt22ask> ("At this time, there were nearly 5,000 Guardsmen in the city, but fatigue, lack of training, and the haste with which they had had to be deployed reduced their effectiveness.... Some had never received riot training and were given on-the-spot instructions on mob control — only to discover that there were no mobs, and that the situation they faced on the darkened streets was one for which they were unprepared.")

<sup>83</sup> Matthew D. Lassiter & Policing and Soc. Just. HistoryLab, *Remembering the Casualties, in Detroit Under Fire: Police Violence, Crime Politics, and the Struggle for Racial Justice in the Civil Rights Era* (2021), <https://tinyurl.com/yjesyrvr>.

<sup>84</sup> Nat'l Advisory Comm'n on Civ. Disorders, *supra* note 82, at 278. Less than a year later, following the assassination of Martin Luther King, Jr., President Johnson again invoked the Insurrection Act — deploying federal troops to Baltimore, Chicago, and Washington, D.C. amid widespread civil unrest. See Nunn & Goitein, *supra* note 13.

as “unnecessary, unwarranted, and inexcusable.”<sup>85</sup> One Guardsman involved in the Kent State incident put it more bluntly:

“Why would you put soldiers trained to kill on a university campus to serve a police function?”<sup>86</sup>

The most recent invocation of the Insurrection Act came during the expansive 1992 Los Angeles riots following the acquittal of police officers charged in the brutal beating of Rodney King. When President George H.W. Bush deployed federal troops at the governor’s request, military officials were already wary of potential escalation.<sup>87</sup> These concerns materialized when a group of Marines responding to a domestic violence call misinterpreted a police officer’s order and mistakenly fired over 200 bullets at a civilian target.<sup>88</sup> Fortunately, no one was killed as a result of this serious miscommunication, which could have further escalated tensions between security forces and the public — and degraded confidence in the armed forces more broadly.

## Contemporary Domestic Military Interventions

Over the past three decades, military interventions in domestic law enforcement have coincided with the broader militarization of American policing.<sup>89</sup> Largely in response to the “war on drugs” that began in the 1980s, policymakers increasingly turned to the military to support federal counter-drug operations. But military leaders and national security professionals have repeatedly resisted calls for further military entanglement with civilian law enforcement.<sup>90</sup> In 1988, for instance, Secretary of Defense Frank Carlucci told Congress that “[t]he Armed Forces should not become a police force,” arguing that domestic missions would eventually undermine operational readiness.<sup>91</sup>

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<sup>85</sup> President’s Comm’n on Campus Unrest, *Report of the President’s Commission on Campus Unrest* 289 (1970), <https://tinyurl.com/5ahd3kr9>.

<sup>86</sup> Brian VanDeMark, *In a New Era of Campus Upheaval, the 1970 Kent State Shootings Show the Danger of Deploying Troops to Crush Legal Protests*, Conversation (Aug. 27, 2024), <https://tinyurl.com/4z3yc97h>.

<sup>87</sup> Mark Nevitt, *Deploying Soldiers on American Soil: Operational Risks & Considerations*, Lawfare (Oct. 3, 2024), <https://tinyurl.com/mv5scr52> (“The police, media, and public expected federal military forces to keep the peace, but the military commander expressed a strong reluctance to actively engage in law enforcement functions. Maj. Gen. Marvin Covault, the military commander of federal forces, stated, ‘It was not the military’s mission to solve Los Angeles’s crime problem, nor were we trained to do so.’”).

<sup>88</sup> See Nunn, *supra* note 48.

<sup>89</sup> See Jeffrey Gordon Adachi, *Police Militarization and the War on Citizens*, Am. Bar Ass’n (Jan. 1, 2017), <https://tinyurl.com/c4aj4ukh>; Scott W. Phillips, *Police Militarization*, FBI L. Enf’t Bull. (Aug. 14, 2017), <https://tinyurl.com/2pyb27ys>.

<sup>90</sup> Among those critical of expanding the military’s role in law enforcement was Secretary of Defense Caspar Weinberger, who led the Department of Defense under the Reagan Administration. In 1985, Weinberger opposed expanding the military’s policing powers in counter-drug operations, arguing that doing so would degrade “the historic separation between military and civilian spheres of activity,” and noting that “reliance on military forces to accomplish civilian tasks is detrimental to both military readiness and the democratic process.” See George C. Wilson, *New Police Powers For Military Weighed*, Wash. Post (June 25, 1985), <https://tinyurl.com/5ehf7tsr>; Donald J. Campbell & Kathleen M. Campbell, *Soldiers as Police Officers/Police Officers as Soldiers: Role Evolution and Revolution in the United States*, 36 *Armed Forces & Soc’y* 327, 336 (2010), <https://tinyurl.com/43svavre>; Mark Nevitt, *Unintended Consequences: The Posse Comitatus Act in the Modern Era*, 36 *Cardozo L. Rev.* 119, 146 (2014), <https://tinyurl.com/72eaaj9d>.

<sup>91</sup> *Role of the Department of Defense in Drug Interdiction: Joint Hearing on the Role of the Dep’t of Def. in Drug Interdiction Before the S. Comm. on Armed Servs. and H. Comm. on Armed Servs.*, 100th Cong. 269 (June 15, 1988) (statement of Frank Carlucci, Sec’y of Def.), <https://tinyurl.com/3cvc53yj> (“The Armed Forces should not become a police force nor can we afford to degrade readiness by diverting badly needed resources from their assigned missions.”).

A decade later, Major General Charles J. Dunlap (Ret.), then serving as a colonel, presciently outlined additional risks to readiness in an assessment of the “police-ization of the military”:

“It is, of course, possible to train military personnel to suppress their previously instilled combat instincts to perform in the more restricted law enforcement environment. However, once military personnel are converted into effective policemen, the very ethos that makes them succeed in combat has been dangerously eroded.”<sup>92</sup>

These concerns about mission misalignment resurfaced in 1997 when a Marine corporal on a counter-drug patrol killed a Texas teenager mistaken for a criminal threat.<sup>93</sup> The patrol was conducted under Joint Task Force 6, which had operated at the southern border for nearly a decade. After the tragic incident, the Department of Defense temporarily suspended military-led counter-drug patrols, acknowledging the particularly salient escalation risks inherent to operations of that nature.

More recent domestic military interventions have relied on “novel or controversial legal authorities.”<sup>94</sup> During the twenty-first century, presidents of both parties have deployed National Guard and active-duty personnel to assist with law enforcement operations at the U.S.-Mexico border. While some of these missions appear to have been authorized by Congress, others are on questionable legal footing.<sup>95</sup> Beyond the question of legality, large and ongoing troop deployments at the border raise serious policy concerns, eroding the long-standing consensus against domestic policing missions and normalizing the day-to-day presence of armed military personnel on U.S. soil.<sup>96</sup> In 2024, General Daniel R. Hokanson (Ret.), then Chief of the National Guard Bureau, told lawmakers that the Guard’s activity at the border provided “no military training value,” echoing the concerns of other military leaders regarding the efficacy of domestic missions.<sup>97</sup>

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<sup>92</sup> Charles J. Dunlap, Jr., *The Police-ization of the Military*, 27 J. Pol. & Mil. Socio. 217, 224 (1999), <https://tinyurl.com/4nku9vvr>.

<sup>93</sup> *Id.* at 220; see Sam Howe Verhovek, *After Marine on Patrol Kills a Teen-Ager, a Texas Border Village Wonders Why*, N.Y. Times (June 29, 1997), <https://tinyurl.com/ymp728m5>; Manny Fernandez, *U.S. Troops Went to the Border in 1997. They Killed an American Boy*, N.Y. Times (Nov. 27, 2018), <https://tinyurl.com/9vm64ssr>.

<sup>94</sup> Adm. Steve Abbot et al., *supra* note 3, at 15.

<sup>95</sup> For example, President Trump’s unprecedented designation of an expansive National Defense Area along the southern border — which has facilitated the use of federal military personnel for law enforcement activity within the covered territory — appears to be unlawful. See Mark Nevitt, *The New “National Defense Area” at the Southern Border: What You Need to Know*, Just Sec. (Apr. 29, 2025), <https://tinyurl.com/2arrbzuj>.

<sup>96</sup> See Elizabeth Goitein & Joseph Nunn, *How Turning the Border into a Military Zone Evades Congress and Threatens Rights*, Brennan Ctr. for Just. (Apr. 28, 2025), <https://tinyurl.com/ykbx9wuf> (“Aside from legal concerns, there are practical reasons why the U.S. armed forces shouldn’t be enforcing immigration law. Federal troops are trained to fight and destroy an enemy; they’re generally not trained for domestic law enforcement. Asking them to do law enforcement’s job creates risks to migrants, U.S. citizens who may inadvertently trespass on federal lands at the border, and the soldiers themselves. And it pulls our armed forces away from their core mission of protecting the United States from foreign adversaries at a time when the military is already stretched thin. Using the military for border enforcement is also a slippery slope. If soldiers are allowed to take on domestic policing roles at the border, it may become easier to justify uses of the military in the U.S. interior in the future. Our nation’s founders warned against the dangers of an army turned inward, which can all too easily be turned into an instrument of tyranny.”); Dan Maurer, *Border Militarization Blurs the Distinction Between ‘Policing’ Immigration and ‘Combating’ Immigrants*, Lawfare (Apr. 30, 2025), <https://tinyurl.com/3wcuwfa2> (“On April 11 [2025], President Trump issued National Security Presidential Memorandum 4 (NSPM-4).... The order blends traditional law enforcement rationales and authorities with traditional military use-of-force rationales and authorities in a way that obscures the fine-grained limits that ought to clearly and unambiguously regulate lethal force.”).

<sup>97</sup> Regarding the Guard’s deployment to the U.S.-Mexico border, General Hokanson acknowledged: “This is a law enforcement mission.... They’re doing mission sets that are not directly applicable to their military skill set.... [T]hat time, I think, would be better used building readiness to deter our adversaries.” *A Review of the President’s Fiscal Year 2025 Budget Request for the National Guard and Reserves: Hearing Before the Subcomm. on Def., S. Comm. on Approps.*, 116th Cong. (June 18, 2024), <https://tinyurl.com/4yre233k> (statement of Gen. Daniel R. Hokanson).

## MISSIONS FOR EMERGENCY RESPONSES

The acute risks associated with military intervention in law enforcement do not typically extend to other domestic missions like disaster relief or emergency response. The National Guard often plays a crucial role working alongside local, state, and federal actors in response to real crises.<sup>98</sup>

That said, even emergency deployments can pose challenges to civil-military relations. More than 50,000 members of the National Guard (along with additional military personnel) deployed to the Gulf Coast in the aftermath of Hurricane Katrina in 2005, and their efforts were essential to the evacuation and rescue of tens of thousands of civilians.<sup>99</sup> However, Louisiana Governor Kathleen Blanco responded to conflicting reports of crime and unrest by adopting an escalatory posture, warning that “[t]hese troops know how to shoot and kill, and they are more than willing to do so if necessary, and I expect they will.”<sup>100</sup> In some instances, Guard members were unprepared for civilian encounters, creating risks for “their safety and the safety of others.”<sup>101</sup>

The COVID-19 pandemic introduced new challenges for the National Guard, as governors around the country deployed their state units in unprecedented ways — requiring careful attention to the specific tasks assigned to Guard personnel and public perception of their roles.<sup>102</sup> In several states, Guardsmen served as poll workers and prepared for potential post-election unrest. Many did so in civilian attire to avoid the perception of uniformed military interference in the electoral process.<sup>103</sup> The Adjutant General of the Nebraska National Guard emphasized that the Guard’s primary objective was simply “to enable citizens to have access to voting,” with no role in election-related decision making or law enforcement.<sup>104</sup>

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<sup>98</sup> See, e.g., *National Guard Bureau Fact Sheet: Disaster Preparation and Response*, Nat’l Guard Bureau (2023), <https://tinyurl.com/335y44x5>.

<sup>99</sup> See William B. Boehm, Renee Hylton & Maj. Thomas W. Mehl, *In Katrina’s Wake: The National Guard on the Gulf Coast, 2005* 35, Nat’l Guard Bureau (2010), <https://tinyurl.com/2cxd4xs8>.

<sup>100</sup> See, e.g., Theodore R. Johnson, *Trump’s National Guard Deployment Echoes Hurricane Katrina Mistakes*, Wash. Post (Aug. 27, 2025), <https://tinyurl.com/48afcu6> (“The first days after Katrina witnessed media outlets fueling the perception that the city was lawless and chaotic. False stories ... were common and amplified nationally. Because of this inaccurate reporting — and ideas about who the problem was — elements of the Guard were instructed to adopt a war footing. The governor of Louisiana warned residents and informed the country that these units ‘have M16s and they’re locked and loaded. These troops know how to shoot and kill, and they are more than willing to do so if necessary, and I expect they will.’”); Vann R. Newkirk II, “*Floodlines: Transcripts*, Atlantic (Mar. 11, 2020), <https://tinyurl.com/tu7hn978>.

<sup>101</sup> Select Bipartisan Comm. to Investigate Preparation for & Response to Hurricane Katrina, *A Failure of Initiative: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*, H.R. Rep. No. 109–377, at 230 (2006), <https://tinyurl.com/yvxe3dbc>.

<sup>102</sup> See Sgt. 1st Class Jon Soucy, *National Guard Force Surpasses Hurricane Katrina Response*, Nat’l Guard Bureau (June 2, 2020), <https://tinyurl.com/5yj64eed>.

<sup>103</sup> See, e.g., Sgt. 1st Class Wayne Woolley, *New Jersey National Guard Supports Primary Election*, Nat’l Guard Bureau (July 8, 2020), <https://tinyurl.com/v6a7yyd6> (“More than 120 Army National Guard Soldiers dressed in civilian clothes reported to county election boards and polling sites in seven counties in support of the 2020 primary election [on] July 7.”).

<sup>104</sup> *National Guard Will Support Election in Multiple States*, Nat’l Guard Bureau (Nov. 2, 2020), <https://tinyurl.com/4at7t6we>.

In the summer of 2020, President Trump's threats to deploy troops against protesters were reminiscent of the overreach that accompanied earlier military interventions aimed at quashing political unrest.<sup>105</sup> Following the murder of George Floyd, racial-justice protests erupted nationwide. In Washington, D.C., the Trump Administration responded by deploying the D.C. National Guard alongside Guard units from eleven other states, resulting in what was viewed by many as a "show of force directed at a specific political movement rather than an impartial public-safety response."<sup>106</sup> Later, former Secretary of Defense Mark Esper revealed that Trump had asked about shooting protesters "in the legs or something."<sup>107</sup>

Since returning to office, President Trump has pursued domestic military interventions under the pretext of fighting crime.<sup>108</sup> In 2025, Trump sought the deployment of troops — either through direct federal control or via partnership with compliant governors — to Chicago, Los Angeles, Memphis, New Orleans, Portland, and Washington, D.C.<sup>109</sup> The circumstances varied in each location. Some deployments were enjoined by courts and never materialized, while troops remain deployed in other places well into 2026. These distinctions aside, the president's statements often included express references to and criticisms of his political opponents in targeted locations, inflaming tensions and bringing an overtly political gloss to the deployments.<sup>110</sup> Some specific actions taken by deployed troops were found to violate the Posse Comitatus Act outright, while the domestic campaign writ large ran counter to the law's spirit.<sup>111</sup>

In Los Angeles, the Trump Administration deployed 700 Marines and federalized 4,000 California National Guard troops in June 2025 — over strenuous objections of state and local leadership — under the pretense of supporting immigration operations. The military intervention in Los Angeles escalated tensions with the local population and law enforcement across the city, and a federal judge later ruled that actions taken by deployed troops were unlawful and in violation of the Posse Comitatus Act.<sup>112</sup> In one incident, about 90 National Guard troops were

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<sup>105</sup> See Maurer, *supra* note 38, at 193.

<sup>106</sup> Adm. Steve Abbot et al., *supra* note 3, at 16. In addition to National Guard units, President Trump reportedly sought the deployment of active-duty troops in response to the protests. See Thomas Gibbons-Neft et al., *Former Commanders Fault Trump's Use of Troops Against Protesters*, N.Y. Times (July 9, 2020), <https://tinyurl.com/4ruf56fe>; Paul D. Shinkman, *Military Begins Staging to Quell George Floyd Protests*, U.S. News & World Rep. (June 2, 2020), <https://tinyurl.com/4tbpm92>.

<sup>107</sup> Kelsey Carolan, *Esper: Trump Asked About Shooting Protesters 'In the Legs or Something' After George Floyd Death*, Hill (May 2, 2022), <https://tinyurl.com/4hcfvt3x>.

<sup>108</sup> See, e.g., *White House Fact Sheet: President Donald J. Trump Declares a Crime Emergency to Restore Safety in the District of Columbia*, White House (Aug. 11, 2025), as reprinted in *Am. Presidency Project*, <https://tinyurl.com/49fzbs6z> (last visited June 2, 2026); see Maria Ramirez Uribe, *How Does Washington, D.C.'s Homicide Rate Compare with Other Countries?*, PolitiFact (Aug. 12, 2025), <https://tinyurl.com/2bza2aai>.

<sup>109</sup> See Adm. Steve Abbot et al., *supra* note 3, at 15–20; see also *Tracking Domestic Deployments of the U.S. Military*, Lawfare, <https://tinyurl.com/bdek9pzb> (last visited May 19, 2026) (providing a map of domestic military deployments since 2025).

<sup>110</sup> See, e.g., Donald J. Trump (@realDonaldTrump), Truth Social (June 7, 2025), <https://tinyurl.com/4427m3da> ("If Governor Gavin Newsom, of California, and Mayor Karen Bass, of Los Angeles, can't do their jobs, which everyone knows they can't, then the Federal Government will step in and solve the problem, RIOTS & LOOTERS, the way it should be solved!!!"); Megan Lebowitz, *Trump Says Gov. JB Pritzker and Chicago Mayor Brandon Johnson 'Should be in Jail'*, NBC News (Oct. 8, 2025), <https://tinyurl.com/yxtcejaz>.

<sup>111</sup> See, e.g., Findings of Fact & Conclusions of Law, *Newsom v. Trump*, 3:25-cv-04870, (N.D. Cal. Sept. 2, 2025), ECF No. 176, <https://tinyurl.com/3uwuz2x3> ("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.").

<sup>112</sup> See A Martínez & Jan Johnson, *Sending Troops to LA an 'Unnecessary Escalation,' Says California Attorney General*, NPR (June 10, 2025), <https://tinyurl.com/yzdx9cdj>; Mikhail Zinshteyn, *Trump Broke the Law by Sending National Guard to L.A., Federal Judge Rules*, CalMatters (Sept. 2, 2025), <https://tinyurl.com/3wusnbd9>.

sent to MacArthur Park alongside federal law enforcement agents with the apparent purpose of intimidating the local community.<sup>113</sup>

To authorize this federal deployment, President Trump invoked novel interpretations of the “protective power” and 10 U.S.C. § 12406.<sup>114</sup> Several months later, the U.S. Supreme Court rebuffed the Administration, ruling in a case arising from the subsequent attempted Chicago deployment that President Trump’s reliance on 10 U.S.C. § 12406 for such domestic missions was unlawful.<sup>115</sup> In its ruling, the Court went out of its way to emphasize that the Posse Comitatus Act prohibits federal military personnel from “execut[ing] the laws” without prior “statutory or constitutional authority.”<sup>116</sup>

In August 2025, President Trump declared a “crime emergency” in Washington, D.C., deploying more than 2,000 Guard troops from D.C. and states around the country.<sup>117</sup> Despite the rhetoric promoting the deployment as a crime-fighting mission, troops have mostly been assigned to patrol high-visibility tourist areas — already among the safest in the district. To date, there is no evidence that the deployment has contributed to the reduction in violent crime in D.C. that began in 2024.<sup>118</sup> Guard officials are unable to point to “tangible crime reduction successes,” and the deployment has forced over three dozen D.C. police officers to go on leave while deployed with the Guard, degrading the crime-fighting capacity of local law enforcement.<sup>119</sup>

At the end of 2025, nearly 3,000 troops remained in D.C. as part of this mission, which cost an estimated \$223 million in its first three months.<sup>120</sup> The Administration has indicated its plans to maintain the deployment into 2029, by which point the total expenditure could approach

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<sup>113</sup> See, e.g., Olga R. Rodriguez, *National Guard Rehearsed Show of Force Against Immigration Raid Protesters, General Testifies*, AP News (Aug. 12, 2025), <https://tinyurl.com/ycnkjk3h>.

<sup>114</sup> See Elizabeth Goitein, “*The Insurrection Act*” by Any Other Name: Unpacking Trump’s Memorandum Authorizing Domestic Deployment of the Military, Just Sec. (June 10, 2025), <https://tinyurl.com/42hjnmk>; Richard Bernstein, *The Trump Administration’s Arguments About the National Guard Threaten the 2026 Elections, Soc’y for the Rule of L.* (Sept. 3, 2025), <https://tinyurl.com/msfuyh3k>.

<sup>115</sup> *Trump v. Illinois*, 607 U.S. \_\_\_, 146 S. Ct. 432 (Dec. 23, 2025) (No. 25A443).

<sup>116</sup> *Id.*

<sup>117</sup> Months before President Trump’s claims of a “crime emergency” were used to justify the National Guard operation in D.C., federal officials were pointing to their success in reducing crime in the district. See U.S. Att’y’s Off. for D.C., *U.S. Attorney Ed Martin Jr. Credits President Trump’s First 100 Days for 25% Drop in D.C. Violent Crime* (Apr. 28, 2025), <https://tinyurl.com/ui6xp2xf>; Exec. Order No. 14,333, 90 Fed. Reg. 39301 (Aug. 11, 2025), <https://tinyurl.com/3fz8uuth>.

<sup>118</sup> The decline in violent crime in D.C. that started in 2024 has coincided with larger national trends, and reflects continued efforts by the D.C. Metropolitan Police Department to improve its approach to public safety. See *District Crime Data at a Glance*, Metro. Police Dep’t, <https://tinyurl.com/bd2chkhc> (last visited May 19, 2026); Daniel Dale, *Fact Check: Violent Crime in DC Has Fallen in 2024 and 2025 After a 2023 Spike*, CNN (Aug. 11, 2025), <https://tinyurl.com/kse9yu64>; see also Erich Battistin et al., *Washington, D.C.’s Crime Decline and Its Lessons for American Policing* 2, 26 (Niskanen Ctr. 2026) (characterizing the D.C. deployment as “an expensive tool deployed in the wrong places for the wrong types of crime, at a daily cost per person 60 percent higher than an MPD officer,” with “no measurable effect on violent crime”), <https://tinyurl.com/bdb9y5yv>.

<sup>119</sup> Minority Staff of S. Comm. on Homeland Sec. & Governmental Affs., 119th Cong., *At What Cost? Trump’s Indefinite Deployment of the National Guard in D.C. on Track to Cost Taxpayers \$600 Million a Year* 2, 7 (Comm. Print 2026), <https://tinyurl.com/2ydsiv4x> (“[T]he National Guard cannot point to tangible crime reduction successes specifically tied to their efforts.... [M]ore than three dozen police with the D.C. Metropolitan Police Department (MPD) at various times have been forced to go on leave from MPD while deployed with the Guard, decreasing the actual number of D.C. police able to fight crime during a policing shortage.... [N]either the National Guard nor the Trump Administration has provided any analysis demonstrating how investing hundreds of millions of taxpayer dollars in this deployment would compare to instead investing this money in community policing through federal grant programs or investing these resources directly in MPD instead.”)

<sup>120</sup> Letter from Phillip L. Swagel, Dir., Cong. Budget Off., to Jeff Merkley, Ranking Member, S. Comm. on the Budget, *Estimating the Costs of Troop Deployments to U.S. Cities* (Jan. 28, 2026), <https://tinyurl.com/58d75czb>.

\$2 billion.<sup>121</sup> Preliminary data suggest that the visible military presence has dampened D.C.'s local economy, as residents have been "turned off" from spending in the district.<sup>122</sup>

Beyond the financial burden of the ongoing deployment, first-hand accounts from Guardsmen reveal growing disillusionment within the ranks.<sup>123</sup> Though Guardsmen were mobilized in response to a purported "crime emergency," within weeks troops took on landscaping and custodial roles beyond their ostensible public safety mandate, raising questions about the operation's military utility and its implications for unit readiness.<sup>124</sup> One member of the D.C. Guard described feeling "aimless" and "demoralized" by the "us-versus-them" dynamic surrounding the mission, expressing frustration with the Administration for politicizing the Guard.<sup>125</sup> After two West Virginia National Guard members stationed in D.C. were tragically shot in a targeted attack, the same Guardsman expressed disillusionment often observed in misguided domestic missions:

"Those poor kids just came to the city, and they didn't want to be here.... The whole thing is ... senseless.... I gave up trying to understand it."<sup>126</sup>

While public reporting indicates that National Guard troops have rarely been involved in direct law enforcement throughout this deployment, the image of armed troops patrolling the nation's capital further erodes the historic separation between the military and civilian police. Although a federal district court concluded that the deployment was indeed unlawful, the D.C. Circuit stayed that ruling pending a final resolution of the appeal, which is expected later in 2026.<sup>127</sup> Should the deployment continue unabated, it is difficult to measure the lasting damage to public and institutional understandings of traditional civil-military roles if thousands of troops remain permanently deployed on the streets of D.C.

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<sup>121</sup> *Id.*; see Steven Beynon, *Pentagon Plans to Keep National Guard in DC into 2029, 2 US Officials Say*, ABC News (Mar. 19, 2026), <https://tinyurl.com/5n6vptjz>. For fiscal year 2027, the Trump Administration requested \$605 million for the National Guard's continued deployment in Washington, D.C. Svetlana Shkolnikova, *House Appropriators Ask Questions About \$605 Million Funding Request for National Guard's DC Deployment*, Stars & Stripes (Apr. 17, 2026), <https://tinyurl.com/y6ztnn53>.

<sup>122</sup> Tracy Hadden Loh & Glencora Haskins, *Consumer Spending and Visitor Demand in the Washington, DC Region Are Dropping*, Brookings Inst. (Dec. 12, 2025), <https://tinyurl.com/2mkkc3h8> ("[T]here was a dramatic shift in local behavior.... [F]ederal actions — including the National Guard deployment to Washington, D.C. — appear to have turned off residents from spending in the region and especially the city.").

<sup>123</sup> This extends to members of National Guard leadership, who have expressed "significant concerns that the domestic deployment ... has and will continue to decrease readiness, particularly as the Trump Administration has provided no end date for the recently extended mission." Minority Staff of S. Comm. on Homeland Sec. & Governmental Affs., *supra* note 119, at 8. In its internal communications, the Guard has acknowledged that some troops and veterans perceive the D.C. mission as "'leveraging fear,' [and] driving a 'wedge between citizens and the military.'" Alex Horton, *National Guard Documents Show Public 'fear,' Veterans' 'shame' Over D.C. Presence*, Wash. Post (Sept. 10, 2025), <https://tinyurl.com/4mbk9kzs>.

<sup>124</sup> See, e.g., Tara Copp, *National Guard Troops Deployed in D.C. Add Sanitation, Landscaping Duties*, Wash. Post (Aug. 27, 2025), <https://tinyurl.com/muvs99pu> ("The assignment was atypical for these troops, who more often are called on to respond to emergencies or deploy overseas, and it left some questioning if landscaping should be a military mission at all.").

<sup>125</sup> Sylvie McNamara, *An Anonymous DC National Guardsman Tells All*, Washingtonian (Jan. 21, 2026), <https://tinyurl.com/mry3ad39>.

<sup>126</sup> *Id.*; see Campbell Robertson, Shawn Hubler & Chris Hippensteel, *Before the Shooting, Some Troops and Officials Worried About the Guard's Safety*, N.Y. Times (Nov. 26, 2025), <https://tinyurl.com/2xpme36b>; Juliette Kayyem, *A Terrible and Avoidable Tragedy in D.C.*, Atlantic (Nov. 27, 2025), <https://tinyurl.com/48h6hrnb>; Lindsay P. Cohn, *Domestic Policing Deployment and Public Trust in the Military*, Lawfare (Oct. 10, 2024), <https://tinyurl.com/2v8d7y2h> ("The U.S. military particularly dislikes and argues against domestic missions.... Service members are likely to feel significantly more internal conflict about such a role than about a foreign deployment, increasing their risk of moral injury.").

<sup>127</sup> See *District of Columbia v. Trump*, 1:25-cv-03005, (D.D.C. Nov. 20, 2025), ECF No. 88, <https://tinyurl.com/yu6hw6hp>; *District of Columbia v. Trump*, 25-5418, (D.C. Cir. Dec. 17, 2025), <https://tinyurl.com/43py7xj7>. At issue is whether the unique status of the District of Columbia allows the President to use a dubious application of 32 U.S.C. § 502(f) to deploy troops and potentially circumvent the constraints of the Posse Comitatus Act without having to invoke the Insurrection Act.

Throughout these recent episodes, the dynamics of **escalation, disillusionment, and politicization** have been especially pronounced. While recent court rulings have foreclosed certain pathways to politically motivated domestic deployments, the Administration has signaled its continued intent to deploy military personnel on U.S. soil. Questions remain as to the proposed standing National Guard force ready for “rapid nationwide deployment.”<sup>128</sup> Testifying before Congress in April 2026, Secretary of Defense Pete Hegseth refused to disavow the deployment of troops to polling sites in the upcoming midterm elections, leaving open the possibility of further attempts to improperly use the U.S. military in the civilian sphere.<sup>129</sup>

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<sup>128</sup> Exec. Order No. 14,339, 90 Fed. Reg. 42121 (Aug. 28, 2025), <https://tinyurl.com/4c25f6n7> (“Additional Measures To Address the Crime Emergency in the District of Columbia”); see Konstantin Toropin, *National Guard in Each State is Ordered to Create ‘quick reaction forces’ Trained in Civil Unrest*, AP News (Oct. 30, 2025), <https://tinyurl.com/4vrvarsb> (“A set of memos circulated this month directs Guard units in all 50 states and U.S. territories, except for the District of Columbia, to train a contingent of soldiers in a specialized course that includes the proper use of batons, body shields, stun guns and pepper spray... The new, specialized quick reaction forces will be able to deploy a fourth of all their troops within eight hours and all of those assigned to the units within a day, according to the memo.”).

<sup>129</sup> See Filip Timotija & Sophie Brams, *Pete Hegseth Tangles with Senate Democrats: 5 Takeaways*, Hill (Apr. 30, 2026), <https://tinyurl.com/ft9j49c9> (“Hegseth again sought to deflect questions about whether he would deploy American troops to polling sites during the November midterm elections if ordered to do so by President Trump.”). Secretary Hegseth’s testimony echoes comments made by President Trump in a January 2026 interview, where he expressed regret for “not ordering the National Guard to seize voting machines in swing states after his loss in the 2020 election.” Alan Feuer & Ashley Ahn, *Trump Regrets Not Seizing Voting Machines After 2020 Election*, N.Y. Times (Jan. 11, 2026), <https://tinyurl.com/5v9xayun>.

# Experiences from Abroad

Although the United States has a distinct legal and historical tradition separating civilian policing from external defense, similar civil-military boundaries exist around the world. In most established democracies, keeping the military out of routine law enforcement and domestic politics is a widely accepted principle — though most countries also maintain legal exceptions permitting domestic military intervention in extreme cases. To be sure, each nation's experience is shaped by its particular history, which, for some, includes a legacy of prolonged military involvement in civilian affairs.<sup>130</sup> Where leaders have turned to their militaries for domestic law enforcement, however, the outcomes for public safety have been mixed at best.

Over the past thirty years, no region has relied on military personnel for domestic policing as extensively as Latin America.<sup>131</sup> Persistent violence from organized crime and widespread distrust of civilian police have made Latin American publics particularly receptive to increased military involvement in internal security.<sup>132</sup> The cases examined in this section focus primarily on Latin American countries where the military has assumed an outsized role in civilian law enforcement, supplemented by additional cases from Africa, Asia, and Europe.

Despite differences in political systems and legal frameworks, these international experiences mirror the dynamics — **escalation, disillusionment, and politicization** — documented across domestic military interventions throughout U.S. history. The following case studies are organized by the dynamic most prominent in each country's experience. Though all three phenomena emerge in virtually every one of these cases, each country is discussed through the lens of one dynamic that best captures its experience with military intervention in civilian law enforcement.<sup>133</sup>

<sup>130</sup> See, e.g., Karabekir Akkoyunlu & José Antonio Lima, *Brazil's Stealth Military Intervention*, 14 J. Pol. Latin Am. 31, 34 (2022), <https://tinyurl.com/y9ne6f64> ("In many countries around the world, national militaries were the original order-setting agents, who only moved away from their praetorian missions as democratic norms and mechanisms compelled them to do so during the third wave of democratization.")

<sup>131</sup> As Robert Blair, director of the Civil Conflict and Democratic Erosion Policy Lab at Brown University, describes: "If you travel to almost any country in Latin America, you will see soldiers performing tasks that, in the United States, we would typically associate with police officers.... Things like running patrols, interrogating suspected criminals, setting up roadblocks ... it's very common, and it's very controversial." Pete Bilderback, *Researchers Find Little Evidence That Military Policing Reduces Crime*, Brown Univ. (June 15, 2023), <https://tinyurl.com/44fr5exa>. This section draws on scholarship examining the domestic use of military forces for law enforcement in Latin America. See Gustavo Flores-Macias & Jessica Zarkin, *The Militarization of Law Enforcement: Evidence from Latin America*, 19 Persps. on Pol. 519 (2021) (Dec. 27, 2019), <https://tinyurl.com/yc4uzhjh>; Robert Blair & Michael Weintraub, *Little Evidence That Military Policing Reduces Crime or Improves Human Security*, 7 Nature Hum. Behav. 861 (2023), <https://tinyurl.com/3i43r7mc>.

<sup>132</sup> Public trust in civilian law enforcement is generally lower across much of Latin America than in the United States, driven by long-standing police deficiencies including endemic corruption and impunity. Contrast Megan Brenan, *Racial Divide on Policing Narrows 5 Years After Floyd Death*, Gallup (May 23, 2025), <https://tinyurl.com/3adzu5he> (finding that 74 percent of U.S. adults had confidence in their local police force), with LAPOP Lab, *Pulse of Democracy* 45 (Noam Lupu et al., eds., Vanderbilt Univ. 2023), <https://tinyurl.com/2mm4vx3u> (Figure 2.3, noting that trust in the police consistently lags behind trust in the armed forces across select Latin American countries). Distinct from the U.S. system of robust state and local police infrastructure, civilian law enforcement in most Latin American countries is organized at the national level. See Geélison Ferreira da Silva et al., *The Institutional Development of Police Forces and Policing Patterns in Latin America*, 44 Revista Brasileira de Ciência Política 1, 11 (2025), <https://tinyurl.com/ykxhf7ks> (Braz.).

<sup>133</sup> The selected case studies are limited to the past thirty years in order to provide a contemporary comparative analysis.

## Case Study: Escalation

### Mexico

Mexico demonstrates the clear escalatory risks that come with using the armed forces for civilian law enforcement. Starting in 2006, President Felipe Calderón launched a nationwide “war on drugs” to curb cartel violence, eventually deploying military troops across the majority of Mexico’s states.<sup>134</sup> By the end of his term in 2012, however, organized crime groups were arguably more entrenched than before the military’s domestic operations began. Despite this failure to meaningfully improve public safety, subsequent administrations continued to expand the military’s internal security mandate.

Under former President Andrés Manuel López Obrador (AMLO), domestic troop deployments reached record levels, eventually surpassing the number of civilian police on the ground in 2024.<sup>135</sup> But violence surged early in AMLO’s presidency and remained high throughout his time in office.<sup>136</sup>

One analysis indicates that homicides increased by over 200 percent between the start of the “war on drugs” in 2006 and a high point of AMLO’s domestic deployments in 2022.<sup>137</sup> These spikes in violence were most pronounced in areas with the highest troop concentrations, where domestic military operations more often resulted in excessive force against civilians — reflecting the fundamental mismatch between the military’s combat training and the de-escalation skills required for civilian policing.<sup>138</sup>

Arbitrary arrests, disappearances, and extrajudicial killings rose alongside the military’s expanded policing role. Scholars have found that the rate of serious human rights complaints against federal security forces was on average between 150 and 218 percent higher in municipalities where the military was involved in public safety operations compared to

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<sup>134</sup> Gustavo Flores-Macias & Jessica Zarkin, *The Consequences of Militarized Policing for Human Rights: Evidence from Mexico*, 57 *Compar. Pol. Stud.* 387 (2024) (originally published online Apr. 4, 2023), <https://tinyurl.com/7em9anhd>.

<sup>135</sup> Mary Beth Sheridan, *As Mexico’s Security Deteriorates, the Power of the Military Grows*, *Wash. Post* (Dec. 17, 2020), <https://tinyurl.com/yxvdtxvi>; Int’l Crisis Grp., Rep. No. 106, *The Generals’ Labyrinth: Crime and the Military in Mexico* (May 24, 2024), <https://tinyurl.com/y3v76zn8> (“[A]s of April [2024] close to 300,000 National Guard, Army and Navy officers were deployed in crime-fighting duties on Mexican streets, surpassing for the first time the number of civilian police.”).

<sup>136</sup> See *Criminal Violence in Mexico*, Council on Foreign Rel.: Global Conflict Tracker (Feb. 24, 2026), <https://tinyurl.com/4rvcwc4e>; see also Ryan C. Berg & Emiliano Polo, *The Political Implications of Mexico’s New Militarism*, *Ctr. for Strategic & Int’l Stud.* (Sept. 5, 2023), <https://tinyurl.com/2eaup3eh> (“What distinguishes the current moment is that Mexico’s new militarism is not a security strategy—not even a failed one, as AMLO’s administration has been the ‘bloodiest’ in Mexico’s history, recording nearly as many homicides in four and half years as his predecessors did in six.”). In one high-profile case of military escalation, Mexican soldiers fired 117 rounds at a car of unarmed civilians, killing five men, including an American citizen. The army, which by that point had “assumed overall responsibility for civilian security,” reportedly tried to cover up the details of the confrontation. Maria Abi-Habib & Galia García Palafox, *Deadly Attack Exposes Growing Threat in Mexico: The Military*, *N.Y. Times* (Apr. 7, 2023), <https://tinyurl.com/3wcran2t>.

<sup>137</sup> *Mexico: Militarization of Public Security Will Lead to More Human Rights Violations and Perpetuate Impunity*, Amnesty Int’l (Sept. 9, 2022), <https://tinyurl.com/mrx4mrcu> (“Killings have increased 218% between 2006 and 2022 ... and over 97% of the more than 105,000 cases of disappeared people in the country occurred after December 2006.”).

<sup>138</sup> In Ciudad Juárez, for example, violence rose after the government deployed troops during one of the first major domestic deployments of the drug war. See Maureen Meyer, Stephanie Brewer & Carlos Cepeda, *Abused and Afraid in Ciudad Juarez: An Analysis of Human Rights Violations by the Military in Mexico*, *Wash. Off. on Latin Am.* (Sept. 2010), <https://tinyurl.com/w6mjude>; Maureen Meyer, *One Year After National Guard’s Creation, Mexico Is Far from Demilitarizing Public Security*, *Wash. Off. on Latin Am.* (May 26, 2020), <https://tinyurl.com/mca4cwcc>; Daniel Torres Checa, *Mexico: Public Security under Military Control*, *Wilson Ctr.* (Sept. 16, 2024), <https://tinyurl.com/tkb65szt>; Gustavo Flores-Macias, *The Consequences of Militarizing Anti-Drug Efforts for State Capacity in Latin America: Evidence from Mexico*, 51 *Compar. Pol.* 1 (2018), <https://tinyurl.com/mdpf6zrz>.

jurisdictions without such an intervention.<sup>139</sup> Notably, this pattern is tied specifically to the military's involvement in direct law enforcement missions. When troops engage in non-policing domestic operations, like disaster relief, there is no comparable increase in human rights complaints, underscoring the acute risks of assigning the military to policing roles.<sup>140</sup>

Two decades of protracted domestic deployments have eroded the armed forces' reputation for neutrality and professionalism, and the military is increasingly viewed as another "element of instability" in Mexico.<sup>141</sup> Despite repeated promises that military interventions would weaken organized crime, Mexico continues to face daunting internal security challenges from entrenched criminal networks.<sup>142</sup> The military's expanded law enforcement role has deepened its entanglement in civilian governance — to the detriment of both civil-military relations and public safety.<sup>143</sup>

## Ecuador, Honduras, Colombia & the Philippines

### Ecuador

Following an eruption of cartel violence in early 2024, Ecuadorian President Daniel Noboa declared an "internal armed conflict," mobilizing the military for nationwide crackdowns.<sup>144</sup> Lawmakers subsequently granted troops the authority to patrol streets and conduct searches in pursuit of suspected criminals.<sup>145</sup> Although violence briefly declined, by the end of 2025 Ecuador recorded the highest homicide rate in mainland Latin America for the third consecutive year.<sup>146</sup> The military's domestic operations have coincided with rising human rights violations

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<sup>139</sup> Flores-Macias & Zarkin, *supra* note 134. For additional insights into the reported human rights abuses committed by the Mexican military, see Stephanie Brewer & Ana Lucia Verduzco, *Militarized Transformation: Human Rights and Democratic Controls in a Context of Increasing Militarization in Mexico*, Wash. Off. on Latin Am. (Sept. 2023), <https://tinyurl.com/3rfd3mm5>.

<sup>140</sup> Flores-Macias & Zarkin, *supra* note 134.

<sup>141</sup> Emiliano Polo Anaya, *How Militarization Has Undermined Mexico's Armed Forces*, Baker Inst. (Oct. 23, 2025), <https://tinyurl.com/4ds74y49> ("Through militarization, the armed forces have become a less reliable institution and another element of instability in Mexico. As a result, today, some members of the armed forces are not only seen as participants in corruption, but also as political actors, thus losing their political impartiality — one of their most important and long-standing sources of public approval.")

<sup>142</sup> For instance, despite the continued deployment of hundreds of troops to Sinaloa state, "violent crime persists." Laura Gottesdiener & Emily Green, *Unprecedented Military Raid Is Risky Gamble for Mexico's Sheinbaum*, Reuters (Feb. 23, 2026), <https://tinyurl.com/37w7962z>; see Maria Abi-Habib, *Mexico Killed 'El Mencho.' What's Next for the Drug Cartel He Led?*, N.Y. Times (Feb. 23, 2026), <https://tinyurl.com/h7jummsx> ("The military tends to deploy brute force, which does little in the long term to dismantle the cartels, analysts say."); Flores-Macias & Zarkin, *supra* note 131 (pointing to the often destabilizing effects of military interventions in law enforcement, which "encourage the greatest backlash from organized crime — a rational survival strategy that results in tit for tat escalation.... [M]ilitaries' greater disruptive capacity compared to police will elicit a more violent reaction from organized crime.")

<sup>143</sup> Though crime data indicate that homicides have decreased since President Claudia Sheinbaum took office in October 2024, there is "growing skepticism" around the government's statistics, which some claim "[mask] the violence in the country" by discounting the increase in "forced disappearances" over the same period. *Is Security in Mexico Improving or Are the Numbers Being Manipulated?*, Mex. News Daily (Jan. 26, 2026), <https://tinyurl.com/yp2fw7r2>; see Ioan Grillo, *The Hidden Cost of Your Avocado*, N.Y. Times (Dec. 5, 2025), <https://tinyurl.com/bdfmh3uu> ("Mexico's homicide rate has also gone down substantially, according to the police, even if opposition figures claim that's just because cartels are now disappearing more people, rather than leaving corpses to be counted.")

<sup>144</sup> Isabel Chiriboga, *Ecuador Has Declared 'Internal Armed Conflict' Against Criminal Gangs. What's Next?*, Atl. Council (Jan. 10, 2024), <https://tinyurl.com/4x4k3ank>.

<sup>145</sup> Vanessa Buschschlüter, *Ecuador President Defies Gangs to Take on the Army*, BBC (Jan. 11, 2024), <https://tinyurl.com/4dapuddh>.

<sup>146</sup> Tiziano Breda, *Pressure Rises: Ecuador's Government Struggles to Rein In Escalating Gang Violence*, ACLED (Dec. 11, 2025), <https://tinyurl.com/3h6c74sb>; see Matias Abad Merchán, *Ecuador's Late Insertion into the Structure of Global Organized Crime*, *Latinoamerica21* (Mar. 3, 2026), <https://tinyurl.com/4z742e> ("Regional experience shows that militarization, without deep state reforms, does not solve the problem of organized crime and, in many cases, reconfigures it.")

and, paradoxically, an expansion of the country's transnational criminal networks.<sup>147</sup> Meanwhile, President Noboa continues to push for closer military-police collaboration, amid growing concerns that he is exploiting the security crisis to consolidate power.<sup>148</sup>

## Honduras

Since the early 2000s, Honduras has expanded its military's domestic role to combat organized crime. However, military interventions have often been followed by increases in violence and human rights abuses rather than durable improvements in public safety.<sup>149</sup> Between 2012 and 2014 alone, Honduran soldiers were linked to at least nine murders, more than 20 cases of torture, and dozens of unlawful detentions.<sup>150</sup> U.S. lawmakers have criticized these abuses, and in 2021, more than 50 members of the U.S. House of Representatives cosponsored legislation condemning the "disastrous results" of the military's increased law enforcement interventions.<sup>151</sup>

## Colombia

In Colombia, evidence suggests that the armed forces' long-standing domestic military operations have been counterproductive. A recent study of military policing in Cali, one of Colombia's most violent cities, finds little to no evidence that military patrols reduced crime, instead pointing to increased human rights abuses committed by civilian police in areas with large troop deployments.<sup>152</sup> These findings suggest that the military's combat-ready posture has influenced law enforcement behavior during joint operations, heightening the risk of excessive force against civilians.<sup>153</sup>

## Philippines

The Philippines illustrates the escalatory effects of military interventions in support of law enforcement. Under former President Rodrigo Duterte, the national police carried out a brutal

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<sup>147</sup> Breda, *supra* note 146; see Pedro Labayen Herrera, *Ecuador News Round-Up No. 25: Ecuador's Security and Human Rights Crisis Deepens as the Government Renews Attacks on the Opposition*, Ctr. for Econ. & Pol'y Rsch. (Feb. 20, 2026), <https://tinyurl.com/446vmanv>. As Juanita Goebertus, Americas director at Human Rights Watch, notes: "The Armed Forces are not trained for policing and investigations. Putting them in that role heightens the risk of abuses, and the government should limit this to strictly necessary circumstances." *Ecuador: Unchecked Abuses Since 'Armed Conflict' Announcement*, Hum. Rts. Watch (May 22, 2024), <https://tinyurl.com/24wsf494>.

<sup>148</sup> In the run-up to the 2025 presidential election runoff, Noboa declared a state of emergency authorizing the military to search private property and restrict the freedom to assemble. Further, he has continuously undermined Ecuador's Constitutional Court, which has previously ruled against some of his proposed security policies. And since the defeat of a 2025 government-backed referendum, Noboa has increased security crackdowns on his perceived political opponents. See James LaPorta, *Ecuador Imposes State of Emergency Before Razor-Close Election*, CBS News (Apr. 12, 2025), <https://tinyurl.com/w6mfkt9j>; Sebastián Hurtado et al., *What Will Defeated Ballot Questions Mean for Ecuador?*, Inter-Am. Dialogue (Dec. 4, 2025), <https://tinyurl.com/4xcncw75>; Galo Mayorga & Kai M. Thaler, *Crime, Crackdowns, and Democracy in Ecuador*, 37 J. Democracy 120 (2026), <https://tinyurl.com/y5vpx2>.

<sup>149</sup> Flores-Macias & Zarkin, *supra* note 131, at 527, 529.

<sup>150</sup> *Military Helps Cut Honduras Murder Rate, but Abuses Spike*, Reuters, (July 9, 2015), <https://tinyurl.com/b4s8rp8c>.

<sup>151</sup> See Letter from Jan Schakowsky et al., Members of Cong., to John Kerry, Sec'y of State (May 28, 2014), <https://tinyurl.com/545eapwh>; H.R. 1574, 117th Cong. (2021), <https://tinyurl.com/37tpa532> ("The current Government of Honduras has expanded the military's reach into domestic policing ... in clear violation of the Honduran constitution and with disastrous results...").

<sup>152</sup> See Blair & Weintraub, *supra* note 131.

<sup>153</sup> The study also finds that crime increased after the military withdrew its forces, and that improvements to *perceptions* of public safety were, at best, marginal. According to lead researcher Robert Blair: "We didn't see any reduction in crime.... If anything, we saw an increase in crime after the intervention was over. That was quite surprising. I thought — whatever the effects on human rights or citizen attitudes toward the military — we would see evidence of crime reduction. But we didn't." Bilderback, *supra* note 131; see Blair & Weintraub, *supra* note 131.

“war on drugs” that resulted in nationwide violence, with the military playing a supporting role — and, during specific periods when police operations were suspended, a leading one.<sup>154</sup>

Ill-prepared for law enforcement duties, military personnel contributed to documented human rights abuses during joint operations, alongside a broader campaign that extended to Duterte’s political opponents.<sup>155</sup> The drug war served in part as a vehicle for Duterte to consolidate power, and in March 2025, the International Criminal Court issued an arrest warrant for Duterte on charges related to his alleged involvement in facilitating the deadly security crackdowns.<sup>156</sup>

## Case Study: Disillusionment

### Indonesia

In recent years, Indonesia’s increasing use of its military for civilian law enforcement has raised concerns that the world’s third-largest democracy is reverting to an era of military dominance. After the fall of Suharto’s military dictatorship (1967–1998), democratic reforms intentionally separated external and internal security functions between the National Armed Forces (TNI) and the National Police. However, former President Joko Widodo reintegrated the TNI into civilian affairs, and his successor, President Prabowo Subianto, has continued to expand the armed forces’ domestic role, jeopardizing Indonesia’s delicate civil-military balance.<sup>157</sup>

Under Prabowo’s direction, in early 2025 Indonesia’s parliament amended the TNI’s legal framework, authorizing active-duty military personnel to take on additional civilian roles in the government.<sup>158</sup> Human rights organizations warned that these changes would weaken military accountability and increase impunity in sensitive cases.<sup>159</sup> Separately, a new penal code —

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<sup>154</sup> See Emerlynn Gil, *Philippines: Is Giving the Military Policing Powers the Answer?*, Int’l Comm’n of Jurists (2016), <https://tinyurl.com/2td9sk8Z>; Sui-Lee Wee & Camille Elemia, *Years Later, Philippines Reckons With Duterte’s Brutal Drug War*, N.Y. Times (June 29, 2024), <https://tinyurl.com/2zt9ucdm>; Peter Bouckaert, “License to Kill”: Philippine Police Killings in Duterte’s “War on Drugs,” Hum. Rts. Watch, (Mar. 2, 2017), <https://tinyurl.com/3e2sihta> (“The Philippine National Police announced a temporary suspension of police anti-drug operations.... The following day, Duterte ordered the Armed Forces of the Philippines (AFP) to fill the gap created by the suspended police operations by taking a frontline role in the anti-drug campaign.”).

<sup>155</sup> Joseph Hincks, *Duterte is Assassinating Opponents Under the Cover of the Drug War, Philippine Rights Groups Say*, Time (July 5, 2018), <https://tinyurl.com/5yt3sswe>.

<sup>156</sup> See Bouckaert, *supra* note 154; Press Release, International Criminal Court, Situation in the Philippines: Rodrigo Roa Duterte in ICC Custody (Mar. 12, 2025), <https://tinyurl.com/4p5fpmvh>; Koh Ewe & Virma Simonette, *Philippines’ Duterte to Stand Trial as ICC Confirms Crimes Against Humanity Charges*, BBC (Apr. 24, 2026), <https://tinyurl.com/4jesb3hf>.

<sup>157</sup> See Saiful Mujani & R. William Liddle, *Indonesia: Jokowi Sidelines Democracy*, 32 J. Democracy 72, 72–86 (2021), <https://tinyurl.com/e4d2y9zt>; Robert Lowry, *War and Peace: Tensions Between Indonesia’s Military and Police*, Austl. Inst. Int’l Affs. (Oct. 23, 2017), <https://tinyurl.com/43jrp58z>; Marina Nord et al., *Democracy Report 2026: Unraveling The Democratic Era?* 25, Univ. of Gothenburg: V-Dem Institute (2026), <https://tinyurl.com/n3h7u4cy> (“Re-autocratization set off in the early 2010s and intensified during Joko Widodo’s presidency.... [C]ivil liberties declined, legislative and judicial checks weakened, free- and fairness of elections diminished, and the role of the military in civilian affairs increased.”); Ananda Teresia, *Indonesia’s New Leader Expands Military’s Role in Test of Fragile Democracy*, Reuters (Jan. 30, 2025), <https://tinyurl.com/3rfrpmvh>.

<sup>158</sup> Eryanto Nugroho, *Will the New Military Law Bring Back Soeharto’s Dual Function?*, Univ. of Melb.: Indon. at Melb. (Mar. 27, 2025), <https://tinyurl.com/huhnax8k> (“The new TNI law ... is clearly designed to bring back the very doctrine that underpin[ne]d the former dominance of the military: the dual function of the armed forces.”).

<sup>159</sup> Military impunity has been a long-standing challenge for Indonesian civil-military relations. See *Indonesia: Proposed Military Law Amendments Threaten Rights*, Hum. Rts. Watch (Mar. 19, 2025), <https://tinyurl.com/5dzt4hu2>; *Freedom in the World 2025: Indonesia*, Freedom House (2025), <https://tinyurl.com/3d64m2nx> (“Military personnel accused of crimes against civilians are tried in military courts, which lack impartiality and often impose light punishments, even for serious human rights violations.”); *World Report 2026: Indonesia*, Hum. Rts. Watch (last visited Apr. 23, 2026), <https://tinyurl.com/4uvmr3h5> (“[T]he military decided not to prosecute two soldiers who were allegedly involved in an arson attack targeting the Jubi daily newspaper.”).

originally passed in 2022 and adopted in early 2026 — has reintroduced criminal penalties for insulting the president, compounding public opposition to perceived government overreach.<sup>160</sup>

Throughout 2025, demonstrations in Jakarta and other major cities reflected deep economic and political disillusionment.<sup>161</sup> The government responded by deploying TNI personnel to assist police in detaining protesters, flexing the military's renewed domestic authority.<sup>162</sup> Prabowo labeled the protests as “treason and terrorism,” alarming those who fear a return to the heavy-handed tactics of the Suharto era.<sup>163</sup> These developments have not only renewed concerns about civilian control of the military, but have risked degrading the TNI's operational readiness by diverting resources from its core national security functions.<sup>164</sup> In addition, plans to establish over 700 “territorial development infantry battalions” in the coming years — with soldiers largely performing “civilian-oriented tasks” — has the potential to place further strain on the military's personnel processes, breeding disillusionment within the force.<sup>165</sup>

The military's expanded civilian mandate has also heightened already-existing friction between the TNI and Indonesia's civilian police, to the detriment of security cooperation and coordination. The TNI “has made little secret of its resentment towards the police” in recent years, deepening a rift that has led to violent confrontations between military personnel and police officers.<sup>166</sup> Though the police have historically called on the military for support as necessary, the “institutional tensions” between the security forces reinforces a continued cycle of distrust. This mutual suspicion has hampered efforts for genuine public safety collaboration, as both the police and military have long held concerns that “one is being strengthened at the other's expense.”<sup>167</sup> Reports of arbitrary arrests and repression by the TNI threaten to undermine

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<sup>160</sup> Niniek Karmini, *Indonesia's New Penal Code Takes Effect, Marking Historic Break with Colonial Law*, PBS News (Jan. 2, 2026), <https://tinyurl.com/mwp5dpcn>.

<sup>161</sup> Ary Hermawan, *A Year of Protests: What 2025 Says About Indonesian Democracy*, Univ. of Melb.: Indon. at Melb. (Dec. 23, 2025), <https://tinyurl.com/2zdym2h>.

<sup>162</sup> During the protests, “[m]ilitary units were deployed alongside police to manage crowds and secure public spaces. While some citizens viewed this presence as maintaining order, others saw it as intimidation and a return to the heavy-handed tactics of the past.” Ronny Sasmita, *Indonesian Military's Growing Grip Poses Democratic Risk*, Austl. Strategic Pol'y Inst. (Oct. 15, 2025), <https://tinyurl.com/564cat2w>. Further, a recent report alleges that the military has targeted government critics as part of a coordinated disinformation and intimidation campaign. See “Building Up Imaginary Enemies”: Misinformation, Disinformation and ‘Foreign Agent’ Allegations in President Prabowo's Indonesia, Amnesty Int'l (2026), <https://tinyurl.com/msazzks3>.

<sup>163</sup> Sasmita, *supra* note 162; see Muhammad Fauzan Malufti, *Indonesia's Unrest Revives Fears Over Military's Expanding Role*, Diplomat (Sept. 8, 2025), <https://tinyurl.com/mudd3rk5>; Matt Ford, *Indonesia: President Calls Protests 'Treason and Terrorism'*, DW (Aug. 31, 2025), <https://tinyurl.com/2uwwkiwe>.

<sup>164</sup> Malufti, *supra* note 163 (“Every day soldiers spend on ... non-defense roles, is a day not spent training for ‘real’ military operations.... If TNI personnel are perceived as using excessive force to repress demonstrations, foreign partners may hesitate to expand their cooperation.”). In one notable example of soldiers' expanded civilian role, the government deployed TNI personnel to cultivate rice farms, generating criticism that the mission undermined the military's primary security functions. As one former senior TNI official noted: “When I was in the military, I trained to become a great soldier. For what? For fighting. Not for rice.” Joseph Rachman, *Indonesians Take to Streets Against New Military Laws*, Foreign Pol'y (Apr. 2, 2025), <https://tinyurl.com/mr4bhaj>.

<sup>165</sup> Muhammad Fauzan Malufti, *Indonesia's One Million Soldiers Questions, War on the Rocks* (Jan. 23, 2026), <https://tinyurl.com/bde87pd4> (“[S]oldiers assigned to these battalions would spend much of their time managing agricultural land, raising livestock, assisting with construction projects, and performing other civilian-oriented tasks.... A massive influx of new soldiers will create an even larger cohort progressing through the ranks, intensifying competition for limited positions and increasing the number of senior officers with no meaningful roles.”).

<sup>166</sup> Inst. for Pol'y Analysis of Conflict, *Civil-Military Relations in Indonesia After Jokowi* (IPAC Report No. 87, 2023), <https://tinyurl.com/nhecv5v2> (“The military has made little secret of its resentment towards the police.... One of its major interests, then, has been to regain as much of an internal security role as it can, with all the accompanying perks.”); *Growing Rivalry Between Indonesia's Police and Military*, Asia Sentinel (June 19, 2025) <https://tinyurl.com/52cnpft> (“The friction between the military and police is no longer confined to low-level personnel conflicts but has escalated into institutional rivalry, where the president, as the central power broker, plays a decisive role....”).

<sup>167</sup> Inst. for Pol'y Analysis of Conflict, *The Expanding Role of the Indonesian Military* 1, 21 (IPAC Report No. 19, 2015), <https://tinyurl.com/mt93w226>.

public trust, particularly as the government fails to address the underlying economic hardships fueling unrest.<sup>168</sup> An independent investigation into the 2025 protests concluded: “The deployment of police and military personnel and the excessive and disproportionate use of force violated human rights,” including violations of due process “under the pretext of security.”<sup>169</sup> Meanwhile, some view the TNI’s growing role in civilian governance as part of a burgeoning patronage system through which the government rewards favored military personnel in exchange for loyalty — a hallmark of the Suharto years.<sup>170</sup> Rather than enhancing public safety, the military’s expanded mandate has fostered disillusionment that may prove difficult to reverse.

## France, Belgium, Italy & South Africa

### France

Other democracies have also deployed military personnel domestically, primarily in response to terror threats and state emergencies. In most cases, however, the effectiveness of these domestic interventions remains difficult to measure, leaving many — including troops themselves — questioning their value. France’s Operation Sentinelle provides one such case. The operation launched following the January 2015 Charlie Hebdo attack and expanded to 10,000 soldiers after the November 2015 Paris attacks, with troops primarily patrolling tourist sites and other high-traffic locations.<sup>171</sup> The threat of domestic terror in the aftermath of these attacks raised real national security concerns and warranted a decisive counter-terror response to ensure public safety. But from the outset, critics (including former military officials) labeled Operation Sentinelle ineffective, arguing that soldiers lack the requisite training for law enforcement and that predictable patrol routes make them easy targets.<sup>172</sup> Poor living conditions and extended family separations have further eroded morale among troops already unenthusiastic about their domestic postings.<sup>173</sup> In 2022, a government audit concluded that the

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<sup>168</sup> *Indonesia: Perks for Military, Lawmakers Spark Dissent, Protests*, Hum. Rts. Watch (Feb. 4, 2026), <https://tinyurl.com/4wtcvvxy> (“The Prabowo administration has increasingly deployed military officers in civilian affairs....”).

<sup>169</sup> Nat’l Comm’n on Hum. Rts. (Komnas HAM) et al., *Siaran Pers Bersama 6 LNHAM tentang Laporan Pencarian Fakta Pelanggaran Hak Asasi Manusia dalam Unjuk Rasa Agustus-September 2025* [Joint Press Statement of 6 National Human Rights Institutions Regarding the Fact-Finding Report on Human Rights Violations in the August-September 2025 Protests] (Apr. 20, 2026), <https://tinyurl.com/mt3r2cpm> (Indon.).

<sup>170</sup> See Pauline Collins & Rosalie Arcala Hall, *Preface to Military Operation and Engagement in the Domestic Jurisdiction: Comparative Call-out Laws* xiii, xxx (Pauline Collins & Rosalie Arcala Hall, eds., Brill 2022), <https://tinyurl.com/y6kmwusx>.

<sup>171</sup> Since the start of Operation Sentinelle in 2015, over 225,000 military personnel — nearly all from the French Army — have cycled through the domestic operation. At its peak, more soldiers were deployed domestically than for external defense. See Cour Des Comptes [Court of Accounts], No. S-2022-1439, *L’opération Sentinelle: Exercices 2015–2021* [Operation Sentinelle: Financial Years 2015–2021] (June 14, 2022), <https://tinyurl.com/yw3ufbck> (Fr.).

<sup>172</sup> Senior military officials have also pointed to the difficulty in measuring the utility of the operation. See Philippe Corbé, *Opération Sentinelle : il faut la repenser radicalement selon Michel Goya* [Operation Sentinelle: It Must be Radically Rethought According to Michel Goya], RTL (Aug. 10, 2017), <https://tinyurl.com/bd84m6ah> (Fr.); Phillip Andrews, *Operation Sentinel French Homeland Security Operation: Insights from Colonel Pierre-Olivier Marchand*, Ctr. for Army Lessons Learned 1, 9 (2018), <https://tinyurl.com/4nuvhmys> (Interview with Col. Pierre-Olivier Marchand) (“It is difficult to say if and how many attacks have been avoided thanks to this operation....”). Soldiers deployed as part of the operation have themselves been the target of attack, in part because of their predictable postings and patrol routes. *Operation Sentinelle: Ensuring Public Safety or Creating More Risk?*, Solace Glob. (Aug. 14, 2017), <https://tinyurl.com/29e34je3>; see Alissa De Carbonnel & Robert-Jan Bartunek, *Soldiers on Europe’s Streets Dent NATO’s Defence Edge*, Reuters (Sept. 14, 2017), <https://tinyurl.com/mdaepipk>.

<sup>173</sup> Laurent Lagneau, *L’opération Sentinelle est un facteur de risques pour la condition militaire* [Operation Sentinelle is a Risk Factor for the Military Condition], Zone Militaire (June 10, 2016), <https://tinyurl.com/Safruwry> (Fr.) (“[A]bsences from home are better tolerated by families when they are due to overseas operations. This is simply because there is a certain frustration for the soldier at being only an hour and a half away from their loved ones without being able to spend time with them.”); see James McAuley, *In France, Are Soldiers Outside the Eiffel Tower and the Louvre Really Worth It?*, Wash. Post (June 4, 2016), <https://tinyurl.com/2f3kf7mj>.

operation prioritized optics over military utility, echoing concerns that what began as a temporary mission has become a seemingly indefinite fixture of France's security architecture — compromising operational readiness, force retention, and the military's external defense responsibilities.<sup>174</sup>

## Belgium

Belgium faced similar civil-military strain following the launch of Operation Vigilant Guardian, a domestic military operation that deployed from 2015 to 2021. Soldiers assigned to domestic roles were required to develop policing and counter-terror skills they had not been trained for, contributing to mission creep that has since hindered recruitment and retention.<sup>175</sup> The misalignment between combat training and civilian law enforcement was on full display during the operation, and has continued to shape debates on the value of domestic deployments.<sup>176</sup> One soldier, reassigned from Afghanistan to a domestic post, captured the broad disillusionment within the ranks: "We are standing around like flower pots, just waiting to be smashed."<sup>177</sup>

## Italy

Italy's Operation Strade Sicure ("Operation Safe Streets"), introduced in 2008 to improve perceptions of public safety and combat organized crime, demonstrates how temporary deployments can become permanent once normalized. Nearly twenty years later, over 6,000 troops continue to patrol Italian cities.<sup>178</sup> This protracted mission has demoralized military personnel who view domestic assignments as a downgrade from specialized combat roles.<sup>179</sup> The operation has also generated increased scrutiny within Italy's defense establishment, with Defense Minister Guido Crosetto suggesting that soldiers should return to their primary external defense roles to mollify personnel and capacity concerns.<sup>180</sup>

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<sup>174</sup> The audit concludes: "[O]perational readiness has been affected in the long term" due to protracted domestic deployments under Operation Sentinelle. Overall, the domestic operation has contributed to "the dilution of military units ... for the sake of public image or to appease civilian authorities, rather than out of a genuine pursuit of military effectiveness.... Consequently, military forces ... do not appear best positioned to counter this new form of threat." The audit also surfaces the operation's negative impact on troop morale and retention, stemming from the repetitive nature of the deployment and prolonged family separations. See Cour des comptes [Court of Accounts], *supra* note 171.

<sup>175</sup> One senior defense official acknowledged that "[T]his is not the role of the Defense. The internal security of a country is a problem for the police." Delphine Resteigne & Philippe Manigart, *Boots on the Streets: A "Policization" of the Armed Forces as the New Normal?*, 8 J. Mil. Stud. 16, 25 (2019), <https://tinyurl.com/bb5fjd2h>.

<sup>176</sup> See, e.g., Emil Verhulst, *Belgian Military Begin Patrolling Brussels Stations*, Bulletin (Apr. 5, 2026), <https://tinyurl.com/tn997f5t> ("Soldiers have begun patrolling Brussels metro and train stations since this weekend, as part of a new federal security operation.... However, the renewed presence of soldiers in public spaces has already sparked debate about effectiveness and legal limits, particularly given that military personnel have no additional powers beyond those of civilians.").

<sup>177</sup> De Carbonnel & Bartunek, *supra* note 172.

<sup>178</sup> Notably, military personnel deployed as part of the operation serve as "public security agents," meaning they can only carry out identification stops and various searches — not investigations or interrogations, which remain under the authority of the civilian police. Andrea Carli, *Strade Sicure: How Many Military Personnel Are Used and What Could Change in 12 Questions and Answers*, Il Sole 24 Ore (Jan. 13, 2026), <https://tinyurl.com/4rw78bt3> (It.).

<sup>179</sup> Karolina Muti, Bernardi Samuele & Francesca Sterzi, *Italy in Military Operations in Response to Domestic Emergencies and Global Pandemics: Implications for Civil-Military Relations* 153 (Lindy Heineken & Christian Leuprecht, ed., Springer Cham 2025), <https://tinyurl.com/vp7symxj> (The Military and Society Series) ("[I]n Italy there is an over-reliance on the military to deal with emergencies to cover gaps and inefficiencies of civilian authorities.... [M]ilitary personnel generally perceive this negatively; they see the assigned tasks in domestic operations as a downgrade for personnel who are specialized and combat-trained.").

<sup>180</sup> Andrea Carli, *Crosetto: Stop the Military in 'Strade Sicure', 30,000 Extra Defence Personnel are Needed*, Il Sole 24 Ore (Nov. 4, 2025), <https://tinyurl.com/3xa93e4v> (It.) ("[These] operations were a tool to bring the population closer to the armed forces and vice versa.... I think, Crosetto confided, 'that the 6,800 military personnel on the streets across the country should go back to their original job,' leaving the Strade Sicure operations to the police forces, increasing their personnel.").

## South Africa

In South Africa, repeated domestic deployments of the South African National Defence Force (SANDF) for crowd control and crime-fighting missions have strained morale and military capacity in recent years.<sup>181</sup> Many soldiers view domestic tasks as a misuse of their expertise, fostering disillusionment.<sup>182</sup> The former head of the SANDF opposed one of the government's proposed domestic deployments, emphasizing that the military is trained for warfare, not crime prevention.<sup>183</sup> The government also faces significant resource trade-offs as a result of the SANDF's domestic operations, as the military's interventions fail to address root causes of the country's security challenges while degrading the SANDF's core competencies.<sup>184</sup>

## Case Study: Politicization

### Brazil

Since the 1990s, successive Brazilian presidents have authorized domestic military interventions to combat violent crime in Rio de Janeiro.<sup>185</sup> Although such deployments are only intended as a measure of last resort, over the past decade they have become politically convenient tools for leaders seeking to burnish "tough-on-crime" credentials. Foremost among them, President Jair Bolsonaro oversaw the most sweeping expansion of the military's domestic role since the end of Brazil's military dictatorship.<sup>186</sup>

Domestic military interventions have produced few long-term security gains and in some cases have exacerbated violence.<sup>187</sup> For instance, following the military's withdrawal from Rio's high-crime Complexo de Maré neighborhood, one army commander conceded: "Everything

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<sup>181</sup> During a 2021 domestic deployment to address unrest, SANDF soldiers "complained of a lack of food, vehicles, and fuel," adding to the perception that the military struggled with its growing internal security remit. Craig Bailie, *The SANDF's Changing Roles Demand a Change in Its Organisational Culture*, Daily Maverick (Apr. 25, 2022), <https://tinyurl.com/ydwz92vu>; see Theo Neethling, *Using the South African Army to Fight Crime Is a Bad Idea – Here's Why*, Conversation (Oct. 17, 2017), <https://tinyurl.com/29iddbic> ("[T]he military is ill-equipped to be called on to fight crime...."); Lindy Heinecken, *South Africa in Military Operations in Response to Domestic Emergencies and Global Pandemics: Implications for Civil-Military Relations* 426 (Lindy Heinecken & Christian Leuprecht, ed., Springer Cham 2025) (The Military and Society Series), <https://tinyurl.com/vp7symx> ("[T]he SANDF is neither structured, funded, nor trained for these domestic internal roles.... For many years, there have been warnings that the increase in domestic deployments is unsustainable.").

<sup>182</sup> Guy Martin, *Domestic Deployments: A Misuse of Soldiers*, DefenceWeb (Nov. 14, 2025), <https://tinyurl.com/2cxs7hvk> ("Sixty-six SANDF members were interviewed ... with many saying they felt that frequent or inappropriate internal roles directly damaged the military's core combat capability and reputation. Soldiers felt it makes them 'lose value,' exposes their 'gaps even more,' and 'erode[s] the dignity and pride' of the soldier.").

<sup>183</sup> See Lindy Heinecken, *The Army Is Being Used to Fight Cape Town's Gangs – Why It's a Bad Idea*, Conversation (July 17, 2019), <https://tinyurl.com/yxbddtthx>.

<sup>184</sup> President Ramaphosa recently deployed SANDF for renewed law enforcement operations — even though prior interventions failed to produce sustained reductions in violent crime. See Mogomotsi Magome & Michelle Gumede, *South Africa Deploys Troops to Help Police Fight Violent Crime*, AP News (Mar. 11, 2026), <https://tinyurl.com/mt8yn85a>; Michelle Gumede, *Soldiers on the Streets. What's Behind South Africa's Plan to Deploy the Army in High-crime Areas*, AP News (Mar. 11, 2026), <https://tinyurl.com/yvfybh7d>.

<sup>185</sup> See Akkoyunlu & Lima, *supra* note 130; Flores-Macias & Zarkin, *supra* note 131, at 526; *The Brazilian Army Is Turning into a De Facto Police Force*, Economist (July 6, 2017), <https://tinyurl.com/3mfz525z>.

<sup>186</sup> Akkoyunlu & Lima, *supra* note 130, at 41; Maud Chirio, *Brazil: The Road to Jair Bolsonaro's Militarised Democracy*, Conversation (June 8, 2021), <https://tinyurl.com/5efs7r2n>.

<sup>187</sup> In municipalities with large troop deployments, some residents report feeling "oppressed" under the surveillance of the military, and allegations of soldiers working with organized crime have eroded public trust. See Christoph Harig, *Soldiers in Police Roles, 30 Policing & Soc'y* 1097 (2020), <https://tinyurl.com/4ksxp6th>; Angelika Albaladejo, *Domestic Military Deployments Could Lead to Corruption, Politicization: Brazil Army Chief*, InSight Crime (Jan. 15, 2018), <https://tinyurl.com/32ah6bex>.

returned to being just like before.”<sup>188</sup> These fleeting public safety improvements reflect the mismatch between the military's combat training and the de-escalation skills required for effective civilian law enforcement.

Rather than dismantling criminal networks, troops have often met violence with more violence, leaving civilians as collateral damage. In one deadly confrontation, soldiers fired over 80 rounds at a vehicle they mistakenly identified as a criminal target, killing two innocent civilians.<sup>189</sup> Bolsonaro dismissed the tragedy, telling the press that “[t]he Army did not kill anyone ... the Army belongs to the people.”<sup>190</sup> This rhetoric shielded the military from accountability and politicized its role as an internal security guarantor, while framing civilian casualties as an acceptable trade-off in the fight against crime. Continued troop deployments have only reinforced the perception that the government treats the military as its “one-stop-shop” for managing domestic challenges, normalizing its role in public life.<sup>191</sup>

The end of Bolsonaro’s presidency saw a near-total breakdown of civil-military boundaries. Throughout his tenure, Bolsonaro had already expanded the military’s internal role and repeatedly threatened to use troops to resolve political disputes, including his conflict with Brazil’s Supreme Court.<sup>192</sup> Years of ingraining the military into domestic politics laid the groundwork for a coup plot that sought to overturn the 2022 presidential election results and ultimately culminated in the January 2023 storming of Brazil’s Congress, Supreme Court, and presidential palace by a mob of Bolsonaro supporters.<sup>193</sup> Although the plot failed due to a lack of institutional support from the heads of the army and air force, it exposed the corrosive effects of the military’s years-long intervention in civilian affairs.<sup>194</sup> By the time Bolsonaro left office, the

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<sup>188</sup> Christoph Harig, *Brazil Is Relying on Soldiers Instead of Regular Police – Here’s Why*, Conversation (Mar. 15, 2017), <https://tinyurl.com/bde6vpky>.

<sup>189</sup> See Christoph Harig, *Can Soldiers Solve Brazil’s Crime Problem?*, Urb. Violence Rsch. Network (Sept. 15, 2019), <https://tinyurl.com/b2ahi3z3>.

<sup>190</sup> Fernanda Canofre, ‘O Exército Não Matou Ninguém, Não, o Exército É do Povo,’ *Diz Bolsonaro Sobre Morte de Músico no Rio* [‘The Army didn’t kill anyone, no,’ Says Bolsonaro About the Death of a Musician in Rio], *Folha de Sao Paulo* (Apr. 12, 2019), <https://tinyurl.com/3m9pitkf> (Braz.).

<sup>191</sup> Harig, *supra* note 188 (“The military openly complains about being treated as a ‘Posto Ipiranga’, a one-stop shop offering everything governments can’t or won’t provide themselves.”). Under Bolsonaro, domestic operations were expanded to place military personnel “in charge of managing the refugee influx from Venezuela, fighting outbreaks of fire, and taking action against environmental crimes, at the expense of other agencies with relevant competencies.” Akkoyunlu & Lima, *supra* note 130, at 44.

<sup>192</sup> The military’s “stealth intervention” during Bolsonaro’s presidency was driven in part by generals motivated by a “political agenda aimed at preventing the Workers’ Party’s ... return to government and setting the country on the ‘right’ path under a patriotic leadership.” Akkoyunlu & Lima, *supra* note 130, at 36; see João Victor Archegas & Leticia Kreuz, *The ‘Constitutional Military Intervention’: Brazil on the Verge of Democratic Breakdown*, *Verfassungsblog* (June 4, 2020), <https://tinyurl.com/yc889kup>; Thomas Bustamante & Emilio Peluso Neder Meyer, *The Brazilian Federal Supreme Court’s Reaction to Bolsonaro: Mixed Responses and the Need to Preserve the Court*, *Verfassungsblog* (Sept. 26, 2022), <https://tinyurl.com/3jrm58fw>.

<sup>193</sup> Several military officials helped concoct the plan to keep Bolsonaro in power. See, e.g., Naiara Galarraga Gortázar, *Brazil’s Federal Police Indict Jair Bolsonaro, Two Generals and 34 Others for Coup Attempt*, *El País* (Nov. 21, 2024), <https://tinyurl.com/2ud8xi8k>; *Brazilian Government Retakes Buildings From Pro-Bolsonaro Protesters*, *Politico* (Jan. 8, 2023), <https://tinyurl.com/2p2j54z2>.

<sup>194</sup> See, e.g., Emilio Peluso, Neder Meyer & Thomas da Rosa de Bustamante, *The Bolsonaro Trial Has Far-Reaching Consequences for Democracy*, *Lawfare* (Sept. 26, 2025), <https://tinyurl.com/kku6fbxn> (“Commanders of the army and air force refused to cooperate with the president and testified to the Federal Police that they rejected the plan, against the navy commander’s orders.”); see Tiago Rogero, *Anatomy of a Coup Plot: Why Jair Bolsonaro Is on Trial*, *Guardian* (Sept. 5, 2025), <https://tinyurl.com/363tccre> (“Investigators say the coup was only averted because, despite pressure from Bolsonaro, the heads of the army and the air force – refused to join...”). In September 2025, Bolsonaro was convicted and sentenced to 27 years for his involvement in the coup plot. Max Saltman & Julia Vargas Jones, *Bolsonaro Ordered to Begin Serving 27-year Prison Sentence for Attempted Coup*, *CNN* (Nov. 25, 2025), <https://tinyurl.com/2z7xcezv>.

military's expanded internal role politicized the armed forces, while also contributing to steep democratic backsliding and persistent threats to the rule of law.<sup>195</sup>

## El Salvador, Peru, Nicaragua & other autocracies

### El Salvador

Under President Nayib Bukele, El Salvador has transformed into a de facto police state, with approximately 1.6 percent of its population — the highest of any country in the world — behind bars.<sup>196</sup> Not long after his 2019 election, Bukele began consolidating control over the armed forces in order to exploit their institutional popularity for political gain. In early 2020, he used armed soldiers to intimidate and occupy the Legislative Assembly during a security funding dispute — a clear signal of his willingness to use the military as an instrument of political coercion.<sup>197</sup> A “state of exception” in place since March 2022 has further suspended civil liberties, allowing the military to sweep up purported criminals without due process. Working with police, the military has conducted warrantless sieges and mass arrests that have accelerated the country’s authoritarian drift.<sup>198</sup> While Bukele supporters credit this hardline approach with bringing down violent crime, the military’s expanded role in daily life has come at the expense of the rule of law.<sup>199</sup> Bukele’s use of the armed forces for internal security has both depended on and reinforced his aggressive consolidation of power, reducing the military to a political tool for carrying out his strongman agenda.

### Peru

In Peru, former President Alberto Fujimori turned the military into a central pillar of his authoritarian system. Ahead of Peru’s 2000 presidential election, U.S. Embassy cables warned of growing concerns that the Peruvian Armed Forces were “too politicized” in support of Fujimori’s reelection campaign.<sup>200</sup> The election itself was marred by fraud and structural advantages for Fujimori, with the military’s influence particularly pronounced in rural areas

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<sup>195</sup> Akkoyunlu & Lima, *supra* note 130, at 47 (“Brazil shows that a stealth intervention by the military and executive aggrandizement by elected politicians can go hand in hand, especially as both happen incrementally.”). Reflecting the long-term damage that domestic military interventions have had on Brazilian civil-military relations, there remains ongoing concern regarding the military’s potential role in facilitating a future coup operation. See, e.g., Tiago Rogero, *Brazil’s Bolsonaro Was Convicted but the Military Appetite for a Coup Lingers*, *Guardian* (Oct. 9, 2025), <https://tinyurl.com/5n787af9>.

<sup>196</sup> Beatriz Magaloni & Alberto Díaz-Cayeros, *Does the Bukele Model Have a Future?*, *Foreign Affs.* (Sept. 11, 2025), <https://tinyurl.com/bdfmkce2>; see Stephanie M. Huezo, *Marching Back to the Past: Militarism in El Salvador*, *Ohio State Univ.: Origins* (Feb. 2023), <https://tinyurl.com/2chnavde> (tracing the history of the military’s internal role in El Salvador through the current “state of exception”).

<sup>197</sup> Scott Neuman, *Troops Occupy El Salvador’s Legislature to Back President’s Crime Package*, *NPR* (Feb. 10, 2020), <https://tinyurl.com/4bmuk5sp>.

<sup>198</sup> See Bryan Avelar & Nina Lakhani, *El Salvador Reels as 6,000 People Arrested in Unprecedented Crackdown*, *Guardian* (Apr. 5, 2022), <https://tinyurl.com/3ftfmidw>; Ana María Méndez Dardón, *Mass Incarceration and Democratic Deterioration: Three Years of the State of Exception in El Salvador*, *Wash. Off. on Latin Am.* (Mar. 27, 2025), <https://tinyurl.com/5xbnk7jz>.

<sup>199</sup> One resident of the port town of Puerto El Triunfo described the emerging security paradox as such: “Gang members with tattooed faces and weapons have been replaced by men with uniforms and guns — and the authority to do as they please.” Catherine Ellis, *‘Trapped in This Hell’: How One El Salvador Town Transformed Under Bukele*, *Al Jazeera* (Feb. 2, 2024), <https://tinyurl.com/hy85webe>; see Gustavo Flores-Macias, *The Costs of El Salvador’s Crime Crackdown*, *Foreign Affs.* (Mar. 20, 2024), <https://tinyurl.com/5cjxsruk>.

<sup>200</sup> Fujimori encouraged close ties with the armed forces and military commanders were reportedly ordered to make his reelection their “top priority.” *Cable from U.S. Embassy in Lima to Dep’t of State*, *George Washington Univ.: Nat’l Sec. Archive* (Apr. 7, 2000), <https://tinyurl.com/8yzh4bfm>.

where troops had assumed law enforcement duties.<sup>201</sup> More recent Peruvian presidents have continued to use the armed forces to suppress dissent, underscoring that once the military becomes embedded in domestic politics, reversing that trend becomes all the more difficult.<sup>202</sup>

## Bolivia

In Bolivia, Evo Morales aimed to use the military to manage internal unrest when public opinion turned against his government.<sup>203</sup> Throughout his presidency, Morales sought to remake the armed forces in his own ideological image, introducing socialist doctrine into military academies in an effort to “change the ideology of the officers.”<sup>204</sup> But these attempts at politicization backfired during the disputed 2019 presidential election, when weeks of protests forced Morales’s resignation once military commanders refused to confront demonstrators.<sup>205</sup> While this break suggested a breakthrough of military independence, it also highlighted the armed forces’ outsized influence in domestic politics, only to be exploited by subsequent governments.<sup>206</sup>

## Nicaragua

Over nearly twenty years in power, President Daniel Ortega has transformed the Nicaraguan armed forces into a direct arm of his authoritarian regime. Especially since the eruption of widespread anti-government protests in 2018, the army has served as one of the regime’s preferred tools of political repression.<sup>207</sup> Further, a 2025 constitutional overhaul created a co-presidency between Ortega and his wife Rosario Murillo, and solidified their hold on the military.<sup>208</sup> The enacted reforms granted the armed forces greater authority to target the

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<sup>201</sup> *Id.* Though Fujimori was declared the winner of the first-round of the election, a coordinated opposition boycott of the second-round of voting — as well as continued revelations of the government’s criminal activity — culminated in Fujimori fleeing the country and resigning from office in November 2000. See, e.g., Howard W. French, *Citizen Fujimori, Starting Over Again*, N.Y. Times (Nov. 28, 2000), <https://tinyurl.com/mrxpbpcz>.

<sup>202</sup> See César Muñoz Acebes, *Deadly Decline: Security Force Abuses and Democratic Crisis in Peru*, Hum. Rts. Watch (Apr. 26, 2023), <https://tinyurl.com/2s3skx3w>.

<sup>203</sup> The Inter-American Commission on Human Rights received “repeated reports on the excessive use of force by the Police Force and Armed Forces” during anti-government protests in 2019, including indiscriminate violence against civilians. Inter-American Comm’n on Hum. Rts., Press Release 321/19, *IACHR Presents Its Preliminary Observations Following Its Visit to Bolivia and Requests an Urgent International Investigation Take Place into the Serious Human Rights Violations That Have Occurred in the Country Since the October 2019 Elections* (Dec. 10, 2019), <https://tinyurl.com/8y73cf7n>.

<sup>204</sup> See Daniel Hernandez, *Bolivia’s Army Declares Itself ‘Socialist’*, L.A. Times (Nov. 18, 2010), <https://tinyurl.com/3ynuzerm>; *Bolivia Opens ‘Anti-Imperialist’ Army Academy*, DW (Aug. 18, 2016), <https://tinyurl.com/ytkskbt9>; John Otis, *Veteran President’s Rift With Bolivian Military Helped Drive His Early Exit*, Wall St. J. (Dec. 5, 2019), <https://tinyurl.com/7du3xa5a> (“There was similar grumbling when the president changed the military’s slogan to a socialist trope....”).

<sup>205</sup> See Otis, *supra* note 204; *Bolivian Military Won’t ‘Confront’ Citizens as Pressure on Morales Builds*, VOA News (Nov. 9, 2019), <https://tinyurl.com/3twc9s3r>; Anatoly Kurmanaev, Ernesto Londoño & Mónica Machicao, *Bolivian Leader Clings to Power as Police Join Protesters*, N.Y. Times (Nov. 9, 2019), <https://tinyurl.com/3pi93b98>; Ciara Nugent, *Bolivian President Evo Morales Has Resigned After Nearly 14 Years in Power. Here’s What to Know*, Time (Nov. 11, 2019), <https://tinyurl.com/bdhvzhza>.

<sup>206</sup> See *Bolivia: Interim Government Adopts Abusive Measures*, Hum. Rts. Watch (Nov. 19, 2019), <https://tinyurl.com/4vn87kdd>; Jennifer Scotland, *Divided Opinions After Failed Coup Underscore Bolivia’s Political Fragility*, RUSI (Aug. 6, 2024), <https://tinyurl.com/yu6jceb4>.

<sup>207</sup> See Kai M. Thaler, *Political Repression, State-Sponsored Violence, and Risks to Government Opponents in Nicaragua Under the Ortega-Murillo Regime*, Columbia Univ.: Ctr. for Mex. & Cent. Am. (2022), <https://tinyurl.com/23dr379h>; J. Mark Ruhl, *Repoliticizing the Nicaraguan Army: Civil-Military Relations Under Daniel Ortega (2007–2017)*, 46 J. Pol. & Mil. Soc. 164 (2019), <https://tinyurl.com/4n2saz2z> (“Since returning to the presidency in 2007 ... Ortega has built an authoritarian regime and has attempted to repoliticize the armed forces by reviving the army’s Sandinista sympathies, co-opting senior officers with material rewards, and expanding the military’s role and resources.”).

<sup>208</sup> See Matteo Paolanti & Francesco Saccoliti, *From Democracy to Dynastic Rule?: The 2025 Constitutional Reform in Nicaragua*, Verfassungblog (Feb. 18, 2025), <https://tinyurl.com/3tw2app9>.

regime's political rivals, stripping the military of any remaining institutional independence or pretense of neutrality.<sup>209</sup>

## Other Autocracies

Given the public trust and respect that militaries often command, it is unsurprising that the world's strongmen seek to exploit their institutional popularity and coercive capabilities for political gain.<sup>210</sup> Indeed, the politicization of the armed forces is a recurring feature of democratic backsliding and autocratization.

In Zimbabwe under Robert Mugabe, the military enforced "electoral obedience" through systematic intimidation.<sup>211</sup> In Venezuela, Nicolás Maduro expanded the Bolivarian National Guard's internal security role to suppress opposition alongside pro-government paramilitaries.<sup>212</sup> And in Belarus, longtime dictator Alexander Lukashenko used the threat of military force to intimidate pro-democracy protesters amid the country's contested 2020 election.<sup>213</sup> In a then-unprecedented move, Lukashenko threatened to deploy conventional military units under the guise of restoring "order" and "protect[ing] war monuments."<sup>214</sup> In late 2025, Belarus enacted legislation granting the regime broader powers to deploy the military against demonstrators — aligning with Lukashenko's efforts to hold onto power by any means necessary.<sup>215</sup>

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<sup>209</sup> Wilfredo Miranda Aburto, *Nicaragua's Ortega and Murillo Consolidate Their Power Over the Army and the Police*, El País (Nov. 26, 2024), <https://tinyurl.com/2fdwymwe> ("The reform to the legislation affecting the Police and the Army — the main repressive tools of Ortega and Murillo — grants the president full power over these armed institutions.... In total, this change to the Constitution affects a hundred articles, which legalize paramilitaries, empower the Nicaraguan Army to conduct repression for political reasons alongside the National Police, and justify the stripping of nationality from critics considered 'traitors to the homeland.'").

<sup>210</sup> Autocrats' politicization of their militaries also aligns with their larger playbook of exploiting public safety concerns and the specter of crime as a pretext for continued power grabs. See Michael Angeloni, *How Authoritarians Use Crime as a Pretext*, If You Can Keep It (Nov. 24, 2025), <https://tinyurl.com/4nysn83c>.

<sup>211</sup> Godfrey Maringira, *Zimbabwe in Military Operations in Response to Domestic Emergencies and Global Pandemics: Implications for Civil-Military Relations* 443 (Lindy Heinecken & Christian Leuprecht, ed., Springer Cham 2025), <https://tinyurl.com/vp7symxi>.

<sup>212</sup> See Natalia Gan Galavis, *Rule of Law Crisis, Militarization of Citizen Security, and Effects on Human Rights in Venezuela*, 109 Eur. Rev. Latin Am. & Caribbean Stud. 67 (2020), <https://tinyurl.com/4dykeb6k>.

<sup>213</sup> Prior to the election, Lukashenko warned that he was prepared to use the military to "restore order" in the event of public protests. Amnesty Int'l, *Public Statement: Belarus: Armed Forces Have No Business in Dealing with Protests* (July 31, 2020), <https://tinyurl.com/yc4dbjp5>; see M. Gessen, *After a Rigged Election, Belarus Crushes Protests Amid an Information Blackout*, New Yorker (Aug. 12, 2020), <https://tinyurl.com/32hrmnpf> ("The military is everywhere ... there are water cannons and armored trucks parked all over the city, and trucks full of soldiers in camouflage.").

<sup>214</sup> See Yuliya Talmazan, *Army Could Be Drafted to 'Protect Monuments' as Thousands Protest in Belarus*, NBC News (Aug. 24, 2020), <https://tinyurl.com/4zub3ybb>; George Barros, *Warning: Militarization of Lukashenko's Response to Belarusian Protests Increases but Without Violence; Moscow Continues to Set Conditions for Intervention*, Inst. for Study of War (Aug. 30, 2020), <https://tinyurl.com/4hym33cn>.

<sup>215</sup> See Demian Shevko, *Ukrainian Intelligence: Belarus May Use Military Reforms to Suppress Domestic Dissent*, New Voice of Ukr. (Aug. 7, 2025), <https://tinyurl.com/ura35t78>; Radio Free Europe/Radio Liberty, *Belarus Greenlights Military Force Against Protests*, YouTube (Nov. 2025), <https://tinyurl.com/vja63axt>.

# Conclusion

In the United States, our Founders wisely integrated their skepticism of military policing into a constitutional and legal framework that, for 250 years, has maintained a clear divide between the roles of internal security and external defense. While many democracies have established similar boundaries, aspiring autocrats worldwide have conversely sought to co-opt their militaries to consolidate power. When these civil-military lines blur, even well-intentioned domestic military operations can produce unintended consequences that are difficult to reverse. These dangers — **escalation, disillusionment, and politicization** — are the predictable outcomes of military intervention in civilian law enforcement.

Unwarranted domestic troop interventions threaten not only the rule of law and civil society under the pressures of military might, but also the military's own force readiness. By diverting focus and resources away from core national security competencies, domestic military operations frequently result in a degraded security environment. Given their vulnerability to autocratic abuse, domestic military interventions in civilian law enforcement necessitate a high degree of skepticism — especially when troop deployments are driven by political considerations rather than as a genuine measure of last resort.



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