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American Riots:
Will Trump Invoke the Insurrection
Act of 1807, and What Would be
the Consequences?
Barbara Listek



27 June 2025

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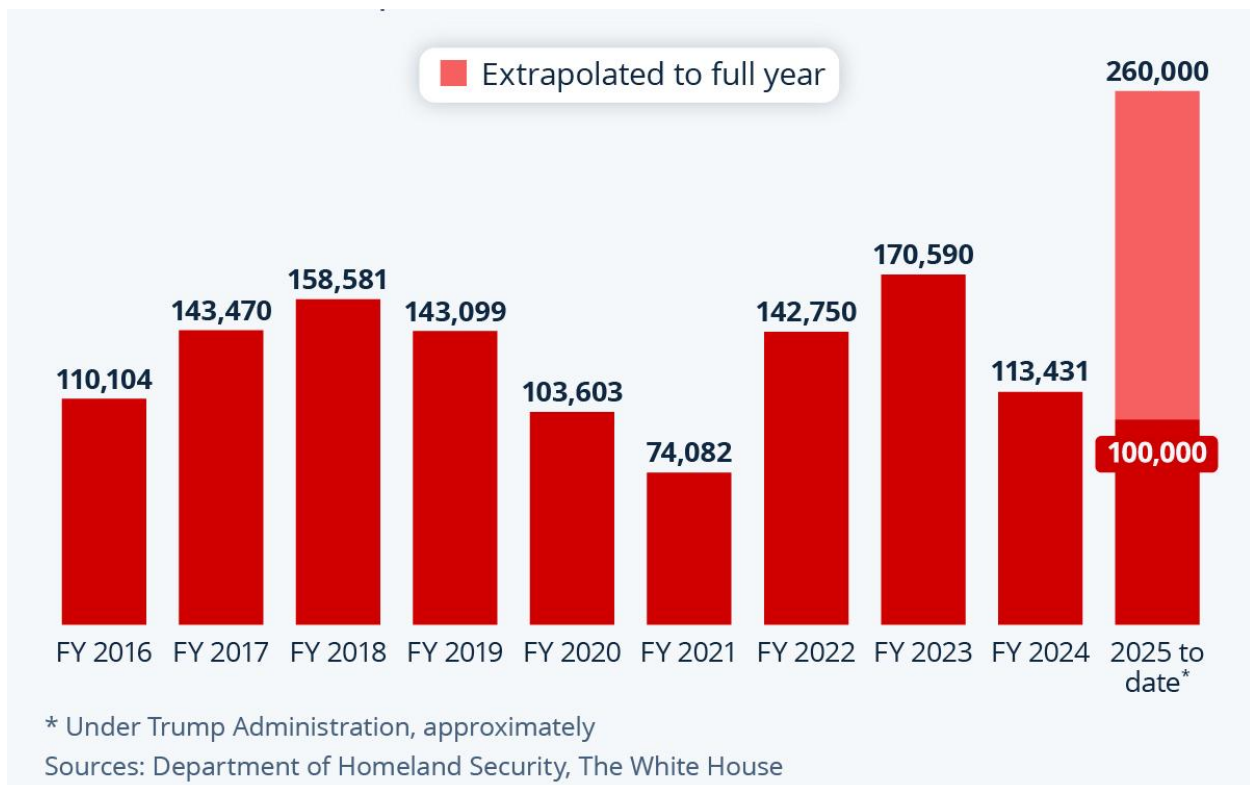
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Executive Summary

- ✦ **ICE raids in LA on June 6th** sparked mass protests after 118 immigrants were detained, triggering outrage in a state with deep opposition to Trump's hardline immigration agenda.
- ✦ While mostly peaceful, **some protests turned violent**, prompting police use of tear gas and rubber bullets; Trump escalated the response by deploying **4,000 National Guard troops and 700 Marines**.
- ✦ California Governor **Gavin Newsom challenged** the federal takeover of the state's Guard, calling it inflammatory and legally unjustified; a court battle is now underway.
- ✦ Trump has **publicly floated invoking the Insurrection Act**, a rarely used statute allowing domestic military deployment - raising alarm about potential **federal overreach** and the use of military force in largely peaceful dissent.

Key Picture: Number of Arrests Made by ICE's Enforcement and Removal Operations (2016-2025)



Source: [Statista](#)

1. ICE and Fire

On June 6th 2025, Los Angeles, California witnessed a wave of protests and unrest, which erupted after the Immigration and Customs Enforcement (ICE) raided several of the city locations, including a clothing warehouse in the city's fashion district. According to the Department of Homeland Security (DHS), on that day ICE has arrested 118 immigrants, including five people linked to criminal organisations and people with prior criminal histories.¹ In response to these events, protestors gathered outside the LA federal detention centre, chanting slogans such as "Set Them Free, Let Them Stay!" and "Stop The Deportations!"²

While the immediate trigger was the dramatic escalation of ICE operations, the protests signalled broader discontent with President Donald Trump's hardline immigration agenda during his second term. This renewed crackdown, widely criticised as racially motivated and politically charged,³ has intensified fears in immigrant communities across the country. In California, where immigrants make up nearly a third of the population (nearly double than the national average) and where Democratic politics have long clashed with federal immigration enforcement, the raids were seen as a tipping point.

While most of the protests remained peaceful and contained the five-block stretch of downtown LA, some of them escalated into riots as protestors clashed with the Los Angeles Police Department (LAPD) and ICE.⁴ News outlets reported scattered incidents of property damage, including graffiti, small fires, and vandalism of government vehicles. In response, law enforcement deployed riot control tactics. Officers were observed firing tear gas canisters and using rubber bullets to disperse crowds, raising further questions about the proportionality of the state's response.

2. Trump's Federal Crackdown

As the protests escalated in the following days, President Donald Trump deployed 4000 of the National Guard troops - a state-based military force, typically deployed on state-based missions during national disasters - as well as 700 of US Marines to LA, "in order to maintain law and order" in the city.⁵

California's Republican governor, Gavin Newsom, immediately condemned the decision as a "purposefully inflammatory" move, that "will only escalate tensions."⁶ He also launched legal action to block the federal takeover of the state's National Guard. The lawsuit reads:

*"At no point in the past three days has there been a rebellion or an insurrection. Nor have these protests risen to the level of protests or riots that Los Angeles and other major cities have seen at points in the past, including in recent years."*⁷

A district court initially ruled in favour of Newsom, ordering that command of the Guard be returned to the state. However, the decision was quickly stayed by a federal appeals court, leaving the troops under federal control pending further review.

Defending the military build-up, Trump insisted the situation in Los Angeles demanded urgent federal intervention, stating on his social media platform *TruthSocial*: "Without the military, that city would be burning to the ground."⁸

To that, Newsom countered: "We didn't have a problem until Trump got involved."⁹

3. To Act or Nor to Act

As unrest in Los Angeles deepens, President Trump shows no intention of stepping back. Instead, his administration is preparing for potential escalation. Central to that threat is the **Insurrection Act of 1807** - a rarely-used, powerful federal statute that allows the president to deploy the military domestically in response to "insurrection, domestic violence, unlawful combination, or conspiracy."¹⁰ It serves as an exception to the **Posse Comitatus Act (1878)**, which generally forbids the use of federal forces in civilian law enforcement. Thus, under the Act, the President can act either with a state governor's request or, in special cases, if he determines that unlawful obstructions or "rebellion against the authority of the United States" make enforcement of federal law impossible.¹¹

There are relatively few precedents of the Insurrection Act being used. In over two centuries, it has been invoked about 30 times, and only in moments of grave crisis.¹² One of the instances that comes back in this context is the 1992 Los Angeles riots, which also happens to be the Act's most recent invocation. Back then, President G. H. W. Bush invoked the act (with Governor Pete Wilson's support) to aid overwhelmed local forces during the riots.¹³

However, while some would like to point the obvious similarities (LA, riots), there are also stark differences between the two situations.

In this month's upheaval, the protesters have directed their anger mainly at ICE agents, not at fellow residents, and the demonstrations have so far done relatively little damage to buildings or businesses.¹⁴ Deploying the military against protests that remain targeted, contained, and primarily law-abiding would constitute a profound departure, triggering both legal challenges and public backlash.¹⁵

4. The Bottom Line

While so far, Trump has not invoked the Act as of 16th June 2025, he has publicly floated it. "If there's an insurrection, I would certainly invoke it," he told reporters, marking a rhetorical shift from his first term as a President.¹⁶

Back in September 2020, amid unrest, Trump emphasized legal constraints: "I can call insurrection, but there's no reason to ever do that," he told a town hall then.¹⁷ He acknowledged governors' authority over the Guard, suggesting he wouldn't invoke the Act unless legally necessary.¹⁸

So, what changed?

For one, Trump is no longer running for re-election. He is governing with fewer institutional constraints and with a mandate from his base to deliver on hardline promises, especially around immigration. The Los Angeles raids and subsequent unrest have become a political flashpoint that aligns neatly with his second-term agenda. Cracking down on immigration was always a major pillar of his campaign, and now it seems to double as a demonstration of his broader power politics.

Still, Trump's unpredictability needs to remain a part of the calculation. He is known for making dramatic declarations before pivoting to less extreme actions. This pattern makes it difficult even for his closest aides, let alone analysts, to predict his next move with certainty.

Either way, his words should certainly not be brushed off. Whether or not the Act is ultimately invoked, the message is clear: federal power is on the table, and the president is willing to use it - if not now, then as leverage for later. In this context, the Insurrection Act functions not just as a legal mechanism, but as a political signal – to protestors, immigrant communities, and political opponents.

NOTES

¹ “Riots erupted in LA after immigration raids, then tensions escalated,” *ABC News*, 8 June 2025. [Online](#).

² Ibid.

³ “USA: Deployment of National Guard to Los Angeles in Response to ICE Raids Is Dangerous,” *Amnesty International*, 9 June 2025. [Online](#). Page | 6

⁴ Breen, Kerry, and Kaia Hubbard. “Why Are People Protesting in Los Angeles? Here Are Key Events Leading Up to President Trump’s Crackdown.” *CBS News*, updated 10 June 2025. [Online](#).

⁵ Lolita C. Baldor, Jaimie Ding, Jake Offenhartz, and Tara Copp, “What U.S. law says about Trump’s deployment of active-duty troops,” *AP News*, 13 June 2025. [Online](#).

⁶ Newsom, Gavin (@CAgovernor), X post, 8 June 2025. [Online](#).

⁷ Breen, Kerry, and Kaia Hubbard. “Why Are People Protesting in Los Angeles? Here Are Key Events Leading Up to President Trump’s Crackdown.” *CBS News*, updated 10 June 2025. [Online](#).

⁸ “What to know about the LA protests and ICE raids,” *BBC News*, 8 June 2025. [Online](#).

⁹ Newsom, Gavin (@GavinNewsom), X post, 9 June 2025. [Online](#).

¹⁰ Kegan, Amelia. “The Insurrection Act and Migration – What You Need to Know,” *FCNL*, 9 June 2025. [Online](#).

¹¹ U.S. Congress, *Insurrection Act of 1807*, 10 U.S.C. §§ 251–255; Posse Comitatus Act of 1878, 18 U.S.C. § 1385.

¹² Daniels, Cheyanne. “Trump has floated invoking the Insurrection Act. It’s only been done a handful of times in modern history.” *Politico*, 11 June 2025. [Online](#).

¹³ Ibid.

¹⁴ Witz, Billy. “When the National Guard Went to L.A. in 1992, the Situation Was Far Different”. *The New York Times*. June 8, 2025. [Online](#).

¹⁵ Hope, Christopher. “The LA Riots Could Destroy Donald Trump’s Presidency,” *The Telegraph*, 9 June 2025, [Online](#).

¹⁶ Gangitano, Alex. “Trump on Insurrection Act: ‘I would certainly invoke it.’” *The Hill*, 10 June 2025. [Online](#).

¹⁷ Kinnard, Meg and Gomez Licon, Adriana. “In his own words: Trump said during 2024 campaign he would use military for immigration enforcement.” *AP News*, 11 June 2025. [Online](#).

¹⁸ Ibid.