

Judge rebukes Trump's seizure of California National Guard, orders return to Newsom

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In a significant ruling Thursday, US District Judge Charles R. Breyer—a Clinton appointee—ruled that President Donald Trump's takeover of the California National Guard from Governor Gavin Newsom was illegal and unconstitutional.

In granting Newsom's request for a temporary restraining order, Judge Breyer wrote that Trump's actions exceeded “the scope of his statutory authority” and violated “the Tenth Amendment to the United States Constitution,” which affirms that the federal government possesses only those powers granted by the Constitution, with all others reserved to the states or the people.

Breyer wrote that Trump “must therefore return control of the California National Guard to the Governor of the State of California forthwith.”

As of this writing, some 4,000 members of the California National Guard have been federalized by Trump and his fascist defense secretary, Pete Hegseth. The soldiers have been activated under Title 10 orders to assist in the ongoing mass deportation operation and Trump's continuing coup attempt.

California, the most populous state in the US, also has the largest National Guard in the country, with just under 20,000 members. In response to protests in Los Angeles County on June 7—sparked by immigration agents disappearing workers and family members—Trump issued a memorandum to Defense Secretary Pete Hegseth, Attorney General Pam Bondi and Homeland Security Secretary Kristi Noem. The memo falsely claimed that the protests constituted a “form of rebellion against the authority of the Government of the United States.”

In order to crush the alleged “rebellion,” Trump ordered Hegseth to deploy “at least 2,000” National Guard soldiers for “60 days or at the discretion of” the

Secretary of Defense. The memo also authorized Hegseth to “employ any other members of the regular Armed Forces as necessary.” Following Trump's directive, Hegseth immediately called up 2,000 members of the California National Guard—without informing their Commander-in-Chief, California Governor Gavin Newsom.

In the following days, over the objections of Governor Newsom, Hegseth mobilized an additional 2,000 California National Guard members, along with 700 US Marines. Currently, roughly 4,700 military personnel are either deployed in or en route to Los Angeles as part of Joint Task Force 51 (JTF-51), operating under the US Northern Command (USNORTHCOM).

While Breyer's order directs that control of the Guard be returned to Newsom, it does not prevent the Guard from continuing its so-called mission under Trump—guarding federal buildings where the immigration Gestapo is conducting operations and disappearing immigrants.

In his ruling, Breyer cited previous court decisions striking down Trump's attempts to deport immigrants under the Alien Enemies Act, noting that the United States is neither “under invasion” nor facing an “armed rebellion.” He emphasized that the protests have not impeded ICE from continuing its operations.

Notably, Breyer offered the Trump administration a “classic example” of a situation in which the President would be legally authorized to federalize the National Guard. He cited the 1970 postal strike, writing:

“In that case, the mail system was incapacitated—the ‘regular forces’ of letter carriers were on strike, and there was no other way to deliver the mail. In this case, the regular forces were and are still very much on duty.

While ICE was not able to detain as many people as Defendants believe it could have, ICE was nonetheless able to execute the federal immigration laws. Indeed, ICE continues to carry out enforcement actions, executing those laws.”

Despite the judge’s ruling, there is no guarantee the criminal Trump administration will comply. Testifying before the House Armed Services Committee on June 12, Secretary Hegseth refused to clearly state whether he would abide by a court order prohibiting the federalization of National Guard troops.

Pressed by Rep. Ro Khanna (D-California), who asked, “Whatever the federal district court decides, will you abide by it?” Hegseth repeatedly deflected, replying, “What I will tell you is, my job right now is to ensure the troops that we have in Los Angeles are capable of supporting law enforcement.”

Pressed again by Khanna, Hegseth replied, “We’ve always looked to the decisions of the court,” before quickly adding, “What I’m saying is, local district judges shouldn’t make foreign policy or national security policy for the country.”

The Trump administration has already appealed the court’s decision. At the time of publication, the 9th U.S. Circuit Court of Appeals has temporarily blocked Judge Breyer’s order, which was set to take effect at noon on Friday. A hearing has been scheduled for next Tuesday.

In the meantime, Republican governors—eager to demonstrate their loyalty to Trump and the growing police state—have activated their own National Guard units in anticipation of mass peaceful protests against the administration scheduled for this weekend.

On June 12, Texas Governor Greg Abbott formally ordered the activation of over 5,000 National Guard soldiers. While Abbott has not specified where the troops will be deployed, protesters reported seeing Guard members at the peaceful anti-ICE demonstration in San Antonio on Wednesday night.

Also on June 12, Missouri Governor Mike Kehoe signed an executive order activating the National Guard as a “precautionary measure.” Protests in St. Louis against ICE have not resulted in any arrests as of this writing. Nevertheless, in his order, Kehoe declared: “We will not tolerate violence or lawlessness in our state.”



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