

Ninth Circuit grants Trump control over California National Guard in Los Angeles

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In a major ruling late Thursday night, a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit unanimously held that President Donald Trump acted within his authority in federalizing and deploying California National Guard troops to Los Angeles, overriding the objections of Democratic Governor Gavin Newsom.

As of this writing, some 4,700 US military personnel—including 4,000 members of the California National Guard—have been mobilized by the Trump administration in response to protests against ongoing immigration raids across Southern California. Hundreds of troops are now deployed throughout Los Angeles, as masked and unaccountable immigration Gestapo agents continue to brutally assault, detain and disappear residents, workers and even US citizens on a daily basis.

In response to Trump's usurpation of Governor Newsom's control over the National Guard, the state of California filed a lawsuit arguing that the Trump administration had violated the Tenth Amendment to the US Constitution, which outlines the separation of powers between state and federal governments.

On June 12, U.S. District Judge Charles R. Breyer—a Clinton appointee—issued a temporary restraining order in response to Newsom's lawsuit, directing that control of the Guard be returned to the governor. The Trump administration immediately appealed the decision, and the Ninth Circuit issued an administrative stay on Breyer's order, blocking it from taking effect.

Thursday's 3–0 ruling—issued by Judges Mark J. Bennett and Eric D. Miller, both Trump appointees, and Jennifer Sung, a Biden appointee—extends the stay and marks a clear victory for the Trump administration and its ongoing drive to establish a presidential dictatorship.

The ruling underscores the reality that the working class cannot rely on any bourgeois institution, including the courts, to defend democratic rights.

In their unsigned 38-page ruling, the judges concluded that Trump "lawfully exercised his statutory authority under § 12406(3), which authorizes federalization of the National Guard when 'the President is unable with the regular forces to execute the laws of the United States.'"

The court effectively adopted the Trump administration's position that the limited protests on June 6 and 7 against the lawless actions of the immigration agents in Southern California posed a grave risk to federal property and "significantly impeded the ability of federal officers to execute the laws."

On June 7, in the heavily Latino and working class community of Paramount, California, Immigration and Customs Enforcement (ICE) and other Department of Homeland Security (DHS) agents—heavily armed and masked—descended on a Home Depot parking lot.

Witnesses and residents told *World Socialist Web Site* reporters that agents were stopping anyone who "looked Latino" and demanding "identification" to prove citizenship. These warrantless searches, a direct violation of the Fourth Amendment's protection against unreasonable search and seizure, were never raised by Newsom's attorneys—or by the judges themselves.

The judges focused much of their decision on Trump's invocation of 10 U.S.C. § 12406(3), which grants the president authority to federalize the "State Militia" under his command if one of three conditions is met: the United States "is invaded or is in danger of invasion by a foreign nation;" there "is a rebellion or danger of a rebellion against the authority of the

Government of the United States;” or “the President is unable with the regular forces to execute the laws of the United States.”

The judges wrote: “Under a highly deferential standard of review, Defendants have presented facts to allow us to conclude that the President had a colorable basis for invoking § 12406(3).”

As evidence, the judges cited claims that protesters allegedly “pinned down” immigration agents, threw rocks at them, and temporarily blocked access to a federal building—one of several sites where entire families have been disappeared without due process.

The judges said nothing about the fascist actions of the immigration Gestapo or their trampling of democratic rights. Instead, all “deference” was reserved for the conman president—the “Commander in Chief ... of the Militia of the several States.”

A euphoric Trump posted on his social media account following the ruling:

BIG WIN in the Ninth Circuit Court of Appeals on the President’s core power to call in the National Guard!

Combining fascist insults with threats to use the ruling to expand National Guard deployments across the country in support of mass deportation operations, Trump added:

The Judges obviously realized that Gavin Newscum is incompetent and ill prepared, but this is much bigger than Gavin, because all over the United States, if our Cities, and our people, need protection, we are the ones to give it to them should State and Local Police be unable, for whatever reason, to get the job done. This is a Great Decision for our Country, and we will continue to protect and defend Law abiding Americans. Congratulations to the Ninth Circuit, America is proud of you tonight!

Bonta argued that deploying the National Guard was unnecessary and inflammatory, insisting that local police were capable of protecting immigration agents as they carried out their lawless raids. In a statement following the ruling, Bonta wrote: “Our state and local law enforcement officers responded effectively to isolated episodes of violence at otherwise peaceful protests...”

Newsom wrote on social media following the ruling: “We will press forward with our challenge to President Trump’s authoritarian use of US military soldiers against citizens.”

Even setting aside the futility of appealing to the capitalist courts, Newsom’s rhetoric is contradicted by the daily actions of police under his own command, who are doing everything in their power to assist the immigration Gestapo. Every day this past week in California, border police and ICE agents have harassed and disappeared longtime residents and workers.

On June 15, heavily armed and masked ICE agents raided the Mission Ranch Market on Los Alisos Boulevard in Mission Viejo. According to witnesses, the agents disappeared at least two people from the popular Persian market.

In Orange County, members of a Migra Watch patrol had guns pointed at them by immigration agents for the “crime” of observing and recording a disappearing operation. The witnesses did not interfere with the detainment, yet video shows armed agents pointing their weapons directly at the unarmed observers.

“You better get out of here,” one masked agent says, as another points a pistol at the unarmed person.



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In court, Governor Newsom’s Attorney General Rob