

Choosing Resistance: A Brief Guide for Local Action Against National Guard and Federal Law Enforcement Deployments

The Trump administration has deployed the National Guard and federal law enforcement agents to cities against the wishes of residents and their elected officials. The purported purpose of these deployments has included supporting immigration enforcement efforts and reducing street crime. It is unclear whether federal presence has reduced crime but there is evidence that deployments have lowered the quality of policing and contributed to civil rights violations. Fortunately, communities can encourage their elected officials to undertake measures to protect them from federal law enforcement abuse and violence. This guide provides a brief overview of federal deployments as well as steps the public can urge state and local elected officials to take to minimize the harm associated with federal law enforcement takeovers.

Background on Federal Deployments

The President has limited authority to unilaterally deploy the national guard in response to civil unrest and has exercised that authority only a handful of times in the last several decades.¹ There are fewer restrictions on the federal government's authority to initiate surges of federal law enforcement operations in cities—including increasing ICE, ATF, and DEA activity.² However, these federal law enforcement agencies have limited jurisdiction and capacity and generally rely on cooperation with local law enforcement to effectively carry out operations.³

¹ See 32 U.S.C. 502(f); *see also*, Alia Chugtai, *When and why the national guard has been deployed in the U.S. before*, Al Jazeera, Aug. 25, 2025, <https://www.aljazeera.com/news/2025/8/25/when-and-why-has-the-national-guard-been-deployed-in-the-us-before>

² *See generally Arizona v. United States*, 567 U.S. 387, 395-6(2012)(federal government's discretion to enforce federal laws and do so in the manner in which they see fit).

³ Ilya Somin, *Sanctuary Policies in a Federal System*, the State Court Reporter, Apr. 4, 2025, <https://statecourtreport.org/our-work/analysis-opinion/sanctuary-policies-federal-system>

Since returning to the White House in 2025, Donald Trump has deployed both the National Guard and federal law enforcement in an effort to federalize local policing. In the summer 2025, the Trump administration has:

- Deployed the national guard in Los Angeles pursuant to the Posse Comitatus Act in order to respond to anti-ICE protests and ensure immigration enforcement activities could be carried out without interference;⁴ and
- Deployed the national guard and federal law enforcement officers in Washington D.C., pursuant to the Home Rule Act to address what the administration characterized as a surge of violent crime.⁵

The administration has also threatened similar deployments in Chicago, Boston, Baltimore, and New Orleans but the specific legal authority and purported rationale for a federalized presence in these cities has not been articulated at the time of this memo's publication.⁶

Deployment Risks to the Public and Local Governments

Deployments risk the safety of the public and potentially expose local governments to liability if they cooperate with unlawful military and federal law enforcement activities. Troops and federal law enforcement are untrained and ill-equipped to carry out local law enforcement functions.⁷ In particular, National Guard troops are not trained on critical

⁴ *Executive Order: Department of Homeland Security for the Protection of Department Homeland Security Functions*, Jun. 7, 2025, <https://www.whitehouse.gov/presidential-actions/2025/06/departments-of-defense-security-for-the-protection-of-department-of-homeland-security-functions/>

⁵ *Executive Order: Declaring a Crime Emergency in the District of Columbia*, Aug. 11, 2025, <https://www.whitehouse.gov/presidential-actions/2025/08/declaring-a-crime-emergency-in-the-district-of-columbia/>

⁶ Alexandra Marquez, *Kristi Noem confirms plan to expand ICE operations in major cities*, NBC NEWS, Aug. 31, 2025, <https://www.nbcnews.com/politics/trump-administration/kristi-noem-confirms-plan-expand-ice-operations-major-cities-rcna228298>.

⁷ Mark F. Cancian & Chris H. Park, *Sending the National Guard in D.C. is the Wrong Solution to a Crime Problem*, Center for Strategic & International Studies, Aug. 12, 2025, <https://www.csis.org/analysis/sending-national-guard-dc-wrong-solution-crime-problem>

topics like probable cause, reasonable suspicion, lawful use of force, or de-escalation.⁸ Federal officers may have more familiarity with these topics but not in the context of enforcing ordinary street crimes since they are tasked with operations focused on enforcing discrete federal laws.⁹ Because troops and federal officers lack this basic training and knowledge, they are more likely to violate the public's rights. In both D.C. and Los Angeles, charges initiated by federal officers and troops are being dropped because they initiated stops, searches, and arrests without the requisite reasonable suspicion and probable cause.¹⁰ In addition to concrete legal violations, there are significant public policy harms stemming from the presence of military and federal officers, including intimidation and the creation of a chilling effect on ordinary daily activities.¹¹

Deployments pose practical and legal problems for local elected officials. Increased arrests and prosecutions that result from federalized deployments have put stress on already overburdened court systems and jails.¹² Local law enforcement agencies will also face legal liability if they are coordinating with federal officers and agents in making false arrests or using excessive force.¹³ Troop and federal law enforcement misconduct can also

⁸ *Id.* (detailing that National Guard members receive no training on investigation, criminal procedure, and traffic laws whereas police officers typically receive extensive training at police academy on these topics).

⁹ See Barry Friedman, Rachel Harmon & Farhang Heydari, *The Federal Governments Role in Local Policing*, 109 V. Law. Rev. 1527, 1624 (Dec. 2023)(explaining federal law enforcement do not engage in patrols and make fewer arrests).

¹⁰ See eg., Sam Levin, *Dropped Cases Against LA Protesters Reveal False Claims from Federal Agents*, The Guardian, July 28, 2025, <https://www.theguardian.com/us-news/2025/jul/28/doj-la-protesters-false-claims>; Nia Prater, *D.C. Takeover Criminal Cases Flounder in Federal Court*, Intelligencer, Sept. 2, 2025, <https://nymag.com/intelligencer/article/d-c-takeover-criminal-cases-flounder-in-federal-court.html>.

¹¹ Jill Cowan and Mimi Dwyer, *Federal Agents March Through L.A. Park, Spurring Local Outrage*, N.Y. Times, July 7, 2025, <https://www.nytimes.com/2025/07/07/us/la-macarthur-park-immigration.html>.

¹² See eg. Jessica Morrison, *Inside Aug 2025: How a federal “crime emergency” flooded D.C. courts and stalled cases*, Aug. 29, 2025, <https://www.red94.net/news/inside-aug-2025-how-a-federal-crime-emergency-flooded-dc-courts-and-stalled-cases/>.

¹³ See eg., *Los Angeles Press Club v. City of Los Angeles*, 2:25-cv-05423 (C.D. Cal. 2025)(lawsuit challenging LAPD response to ICE protests for use of force tactics also being used by federal law enforcement); *Los Angeles Press Club v. Kristi Noem, et al.*, No. 2:25-cv-05563 (C.D. Cal 2025).

erode the public's trust and confidence in local police—particularly where local police are engaged in active coordination with federal law enforcement activity.

Actions Available to Local and State Elected Officials

While elected officials may not be able to stop the Trump administration from sending troops and federal officers to their city in the first instance, they can take action to minimize the impact of these deployments.

One option is legal action. The state-led federal lawsuit seeking injunctive relief prohibiting federalized presence in California has seen some success. The trial court recently found that the administration exceeded its authority in deploying federal troops to Los Angeles by engaging in domestic law enforcement actions beyond what was necessary to assist with ICE enforcement actions.¹⁴ However, the decision has already been appealed and there is no nationwide injunction preventing further deployments.¹⁵ Further, legal strategies may be limited in cities where the Governor has invited or is willingly cooperated with National Guard deployments.

Accordingly, you should urge your elected officials to consider policy changes that would limit cooperation with the National Guard and federal law enforcement.

First, municipal and state elected officials can look to see if they have any ongoing intergovernmental agreements or memorandums that provide for cooperation with federal law enforcement agencies. For instance, many cities have agreements with federal agencies to combat terrorism, the distribution of fentanyl, and organized retail crimes.¹⁶ While these agreements are typically limited to specific federal agencies and specific categories of crimes, they could be leveraged to force local law enforcement agencies to support federal

¹⁴ *Newsom v. Trump*, 2025 U.S. Dist. LEXIS 170747, 25-cv-04870, (N.D. Cal. Sept. 2, 2025)

¹⁵ Dan Mangan, *Trump appeals ruling that National Guard deployment to LA broke the law*, NBC News, Sept. 3, 2025, <https://www.cnbc.com/2025/09/03/trump-appeals-california-national-guard-deployment.html>.

¹⁶ *Coordinated organized retail theft crackdown recovers \$8 million in stolen assets this year*, <https://www.gov.ca.gov/2025/08/07/coordinated-organized-retail-theft-crackdown-recovers-8-million-in-stolen-assets-this-year/>

deployment efforts. By reviewing the agreements, elected officials can identify overly broad and seek opportunities to modify or withdraw from the agreements prior to deployments.

Second, cities and states should review any voluntary information activities in which their law enforcement agencies may be engaged. Federal law enforcement agencies have access to data in many databases used by local law enforcement officers—including the National Crime Information Center database.¹⁷ By using these databases, local governments may be unintentionally facilitating federal law enforcement efforts to detain and arrest their residents. Local law enforcement participation in fusion center intelligence activities and other electronic surveillance hubs can also unintentionally facilitate federal deployment efforts.¹⁸ Use of databases and participation in fusion centers information-sharing is typically at the discretion of local and state governments. Accordingly, state and local law enforcement agencies could simply stop participating in the databases and centers without legislation. Similarly, elected officials could pass local or state legislation regulating use of databases and fusion center services to minimize support for federal law enforcement.¹⁹

Third, municipal and state executives can also issue directives against coordinating with federal troops and law enforcement officers. For example, Chicago Mayor Brandon Johnson issued an Executive Order prohibiting employees from cooperating with deployed

¹⁷ See Joan Friedland, How ICE Uses Databases and Information-Sharing to Deport Immigrants, National Immigration Law Center, Jan. 25, 2018, <https://www.nilc.org/articles/how-ice-uses-databases-and-information-sharing-to-deportimmigrants/>

¹⁸ See Mike German, et. al., *Ending Fusion Center Abuses*, Brennan Center, Dec. 15, 2022, <https://www.brennancenter.org/our-work/policy-solutions/ending-fusion-center-abuses>; Eleni Mannis et. al., *Deportation Data Centers: How Fusion Centers Circumvent Sanctuary City Laws*, Nov. 19, 2024, <https://www.stopspying.org/deportation-data-centers>

¹⁹ See eg. Model Fusion Center Legislation, <https://static1.squarespace.com/static/58a33e881b631bc60d4f8b31/t/66f2ed63226e4373eb120b08/1727196516180/PP+Model+Fusion+Center+Statute.pdf>

troops and federal agents.²⁰ These prohibitions can ensure decisions about cooperation are not left to the discretion of local law enforcement leadership or individual officers. Finally, minimizing low-level arrests can also protect residents from federal law enforcement contacts and abuses—particularly immigration enforcement efforts. By adopting laws that decriminalize or prevent arrests for low-level criminal offenses, cities and states can ensure their residents are not logged in databases, detained in jails, or recorded in forums where federal law enforcement can find locate them.²¹

Conclusion

The impact of federal deployment efforts largely depends on support and cooperation from state and local law enforcement. Your local elected officials have a menu of options to limit cooperation and minimize the harm of federalize presence in your state and city.

Additional Resources

NPAP's Federal Deployments Know Your Rights Guide²²

NPAP's White Paper on Disrupting the Arrest-to-Deportation Pipeline²³

Local Progress: What to Know About What's Happening in D.C. (August 2025)²⁴

²⁰ Executive Order No. 2025-6, *Executive Order Denouncing Any Attempts to Deploy the United States Armed Forces*, Aug. 30, 2025, https://chicityclerk.s3.us-west-2.amazonaws.com/s3fs-public-1/reports/EXECUTIVE%20ORDER%202025-6_0.pdf?VersionId=AcXfAhKkTWUaG9pc80.pAwo5rv4n6CAN

²¹ See eg. <https://engage.nlg-npap.org/system/files/2025-03/NPAP%20ICE%20Noncompliance%20White%20Paper.pdf>

²² <https://www.nlg-npap.org/wp-content/uploads/2025/08/KYR-Federal-LEO-Deployments.pdf>

²³ <https://engage.nlg-npap.org/system/files/2025-03/NPAP%20ICE%20Noncompliance%20White%20Paper.pdf>

²⁴ <https://localprogress.org/2025/08/28/lp-network-download-what-to-know-about-whats-happening-in-d-c-impact-of-alprs-and-pro-bono-technical-assistance-august-2025/>