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What to know about the Insurrection Act

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The law at the center of the debate over Trump deploying the Guard

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This story was originally published in October 2025. In January 2026, President Donald Trump threatened to invoke the Insurrection Act in Minnesota over widespread protests against U.S. Immigration and Customs Enforcement. The unrest comes after two shootings involving ICE officers in Minneapolis, one of which resulted in the death of 37-year-old Renee Good, within a week. To read our latest coverage surrounding the events in Minneapolis, [click here](#). To learn more about the Insurrection Act, read below.



As blue cities push back on President Donald Trump's tactic of deploying the National Guard to fight crime, the Trump administration has floated the idea of using the Insurrection Act to justify sending federal troops to cities.

"I'd do it if it was necessary. So far, it hasn't been necessary, but we have an Insurrection Act for a reason. If I had to enact it, I'd do that," Trump told White House reporters last week.

Vice President JD Vance said that "the president's looking at all of his options" in response to NBC News's Kristen Welker's question about whether Trump is seeking to invoke the Insurrection Act to keep the National Guard in places like Portland and Chicago.

"The president just wants people to be kept safe, and we're exploring everything we can do to make sure the American people are safe in their own country," Vance said.

What is the Insurrection Act?

The Insurrection Act of 1807, signed into law by Thomas Jefferson, codifies the use of American land and naval military forces in an insurrection. It stands as an exception to the Posse Comitatus Act, which typically prevents the use of the American military for civilian law enforcement.

The act in the U.S. code does not define the word “insurrection” and generally leaves significant room for interpretation. The Merriam-Webster dictionary defines “insurrection” as “an act or instance of revolting against civil authority or an established government.” Trump has recently invoked the word when discussing protests in Portland.

“I think that’s all insurrection. I really think that’s really criminal insurrection,” Trump said.

The executive branch has historically used the Insurrection Act to quell labor disputes, rebellions in early America, and disputes over civil rights rulings. Presidents have invoked the Insurrection Act on 30 separate occasions since its original version, the Calling Forth Act of 1792, was codified into U.S. law, according to the Brennan Center for Justice.

George Washington was the first president to use the U.S. military to quell a civilian insurrection in response to the Whiskey Rebellion. President Abraham Lincoln invoked the Insurrection Act to have legal grounds to enter the Civil War against the Confederate states, and President Ulysses Grant used the act to quell insurrections from the Ku Klux Klan during the Reconstruction era. Other presidents like Rutherford Hayes and Grover Cleveland invoked the Insurrection Act to respond to labor strikes, according to the Brennan Center.

President George H.W. Bush invoked the Insurrection Act to send federal military troops to Los Angeles after the 1992 riots following the acquittal of the four white police officers accused of beating Rodney King, Brennan Center research said.

Typically, the Insurrection Act calls for the president to invoke the act in a state “upon the request of its legislature or of its governor.” However, the act subsequently allows a way for the president to invoke the act of his own volition.

“Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion,” the act reads.

What’s the current controversy over it?

Trump is facing pushback from the governors of several blue states, including Govs. JB Pritzker, D-Ill., and Tina Kotek, D-Ore., over his possible use of the Insurrection Act.

Pritzker has had spats with Trump since the president first suggested National Guard deployment to Chicago. The Illinois governor, who filed a lawsuit against the Trump administration over National Guard deployment, has denounced the idea that there is any rebellion that justifies the Insurrection Act. “The Insurrection Act is called the Insurrection Act for a reason. There has to be a rebellion. There has to be an insurrection in order for him to be allowed to invoke it,” Pritzker said on ABC News’s This Week on Sunday.

Kotek has also denounced the idea that there is a need for the Insurrection Act.

“There is no need for military intervention in Oregon. There is no insurrection in Portland. No threat to national security,” Kotek wrote on Facebook.