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National Guard deployments

Supreme Court rules against Trump in National Guard case

UPDATED DECEMBER 23, 2025 · 7:42 PM ET

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By Nina Totenberg, Kat Lonsdorf

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The U.S. Supreme Court
Andrew Harnik/Getty Images

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The U.S. Supreme Court ruled against President Trump on Tuesday, refusing to reinstate, for now, Trump's ability to send National Guard troops into Illinois over the objections of its governor.

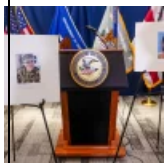
The administration argued in its appeal in October that it needed to federalize the National Guard to stop what Trump has said is unremitting violence against Immigration and Customs Enforcement agents at detention facilities in the Chicago area. But two lower courts ruled against Trump's claim that the protests in the Chicago area constituted a "rebellion or danger of rebellion" against the United States government that the president has the right to put down.

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The court's action is one of only a handful of such "emergency docket" cases in which the Supreme Court has acted. Trump since he began his second term as president almost a year ago. Many legal experts thought this emergency decision would take days or weeks, not months, as ended up being the case. It's unclear why it took so long.



NATIONAL GUARD DEPLOYMENTS

Afghan CIA fighters, like National Guard attack suspect, face stark reality in U.S.

"At this preliminary stage, the Government has failed to identify a source of authority that would allow the military to execute the laws in Illinois," the majority

wrote in its brief opinion. The court wrote that the president failed to explain why the situation in Illinois warranted an exception to the Posse Comitatus Act that limits the military's ability to execute laws on U.S. soil.

It's the first time the highest court has weighed in on the controversial deployments. While the decision does not set precedent, it brings some clarity about the president's power to deploy federal military resources.

Elizabeth Goitein of the Brennan Center for Justice characterized the ruling as a major legal blow to Trump's plans for deployments.

"It's a **Cookie Consent & Sponsorship Choices** path forward for the president," she said.

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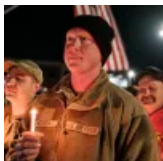
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In preliminary arguments, the court majority accepted the fact-finding and views of both the trial court judge in the case, and the views of a three-judge appeals court panel composed of one Trump appointee, one George W. Bush appointee, and an Obama-appointed judge.

Presumably, the case could return to the court after the court of appeals hears full arguments in the case and renders a decision months from now.

But for all practical purposes, the president for now at least, cannot send in National Guard troops in Illinois without the governor's permission.

Illinois Attorney General Kwame Raoul praised Tuesday's ruling.



NATIONAL GUARD DEPLOYMENTS

West Virginians question National Guard deployments after attack on 2 of their own

"The extremely limited circumstances under which the federal government can call up the militia over a state's objection do not exist in Illinois, and I am pleased that the streets of Illinois will remain free of armed National Guard members as our litigation continues in the courts," Raoul said in a statement.

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White House spokeswoman Abigail Jackson said the president activated the Guard to protect federal law enforcement officers and federal property. "Nothing in (Tuesday's) ruling detracts from that core agenda. The Administration will continue working day in and day out to safeguard the American public," Jackson said.

Justice Brett Kavanaugh wrote his own concurring opinion.

Dissenting from Monday's unsigned opinion were Justices Samuel Alito and Clarence Thomas, who wrote that the court stepped beyond the bounds of its authority by opining on the underlying issue of the National Guard's legal deployment and what Trump can use the military for, rather than the narrower question the administration asked it to stay.

"On top of all this, the Court fails to explain why the President's inherent constitutional authority to protect federal officers and property is not sufficient to justify the use of National Guard members in the relevant area for precisely that purpose. Alito wrote in the dissent, which Thomas joined.

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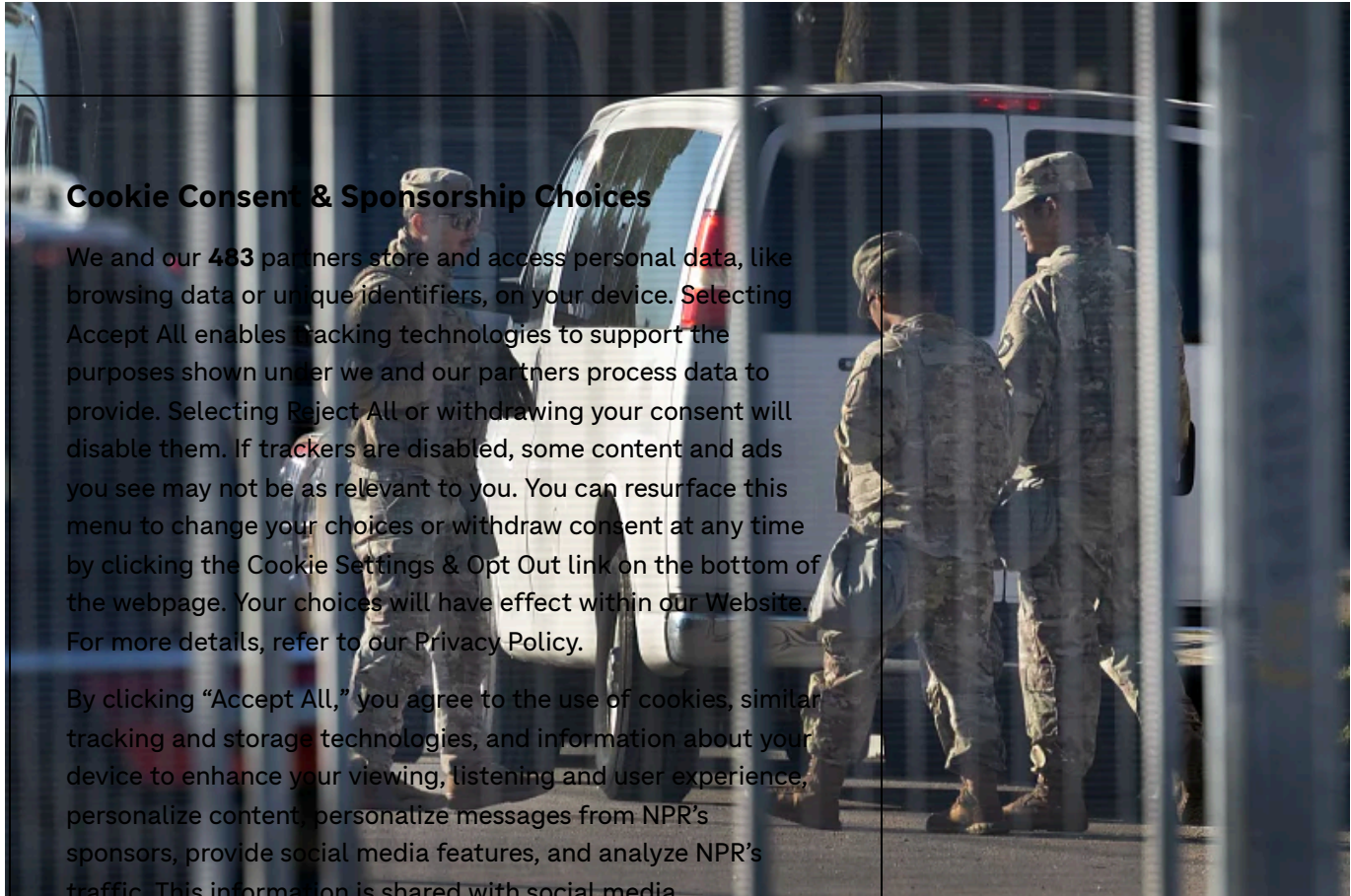
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National Guard troops arrive at an immigration processing and detention facility to help supplement DHS personnel with security on October 09, 2025 in Broadview, Illinois.

Scott Olson/Getty Images North America

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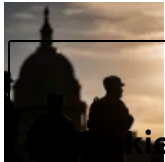
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Solicitor General D. John Sauer, the government's lawyer, had argued for the administration that troops are needed in the Chicago area to "prevent ongoing and intolerable risks to the lives and safety" of federal agents, particularly after an influx of federal immigration officers was sent to the city to carry out a federal immigration crackdown that started in September. That operation — and its increasingly aggressive tactics — led to protests.

The administration withdrew many of its law enforcement forces from Chicago in November and moved them to New Orleans and Minneapolis, as it launched new

immigration crackdowns in those locations, but recently moved many back to Chicago and redoubled efforts in the city.

Trump has been saying for months that Chicago is lawless and in need of military intervention to quell protests and protect federal immigration facilities. He federalized the state National Guard against Democratic Illinois Gov. JB Pritzker's wishes in October.



NATIONAL GUARD DEPLOYMENTS

In an encrypted group chat, National Guard members question Trump deployments

Local and state officials in Illinois have condemned the troop deployments, calling them unnecessary and accusing the president of overstepping his authority.

Republican Texas Gov. Greg Abbott also sent 200 of his state's National Guard troops to help. They returned to Texas in November, after waiting for weeks while the deployment was blocked by the courts.

A unanimous three-judge panel on the 7th Circuit Court of Appeals sided with the district court's ruling in mid-October, saying "that the facts do not justify the President's actions" in Illinois.

Repeated legal setbacks
The deployments have faced other legal setbacks.

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In Oregon, a federal judge earlier blocked a deployment in Portland, finding that Trump "did not have a lawful basis to federalize the National Guard" and doing so violated states' sovereignty, member station OPB reported. The Trump administration is challenging the ruling, but recalled hundreds of troops from the state.

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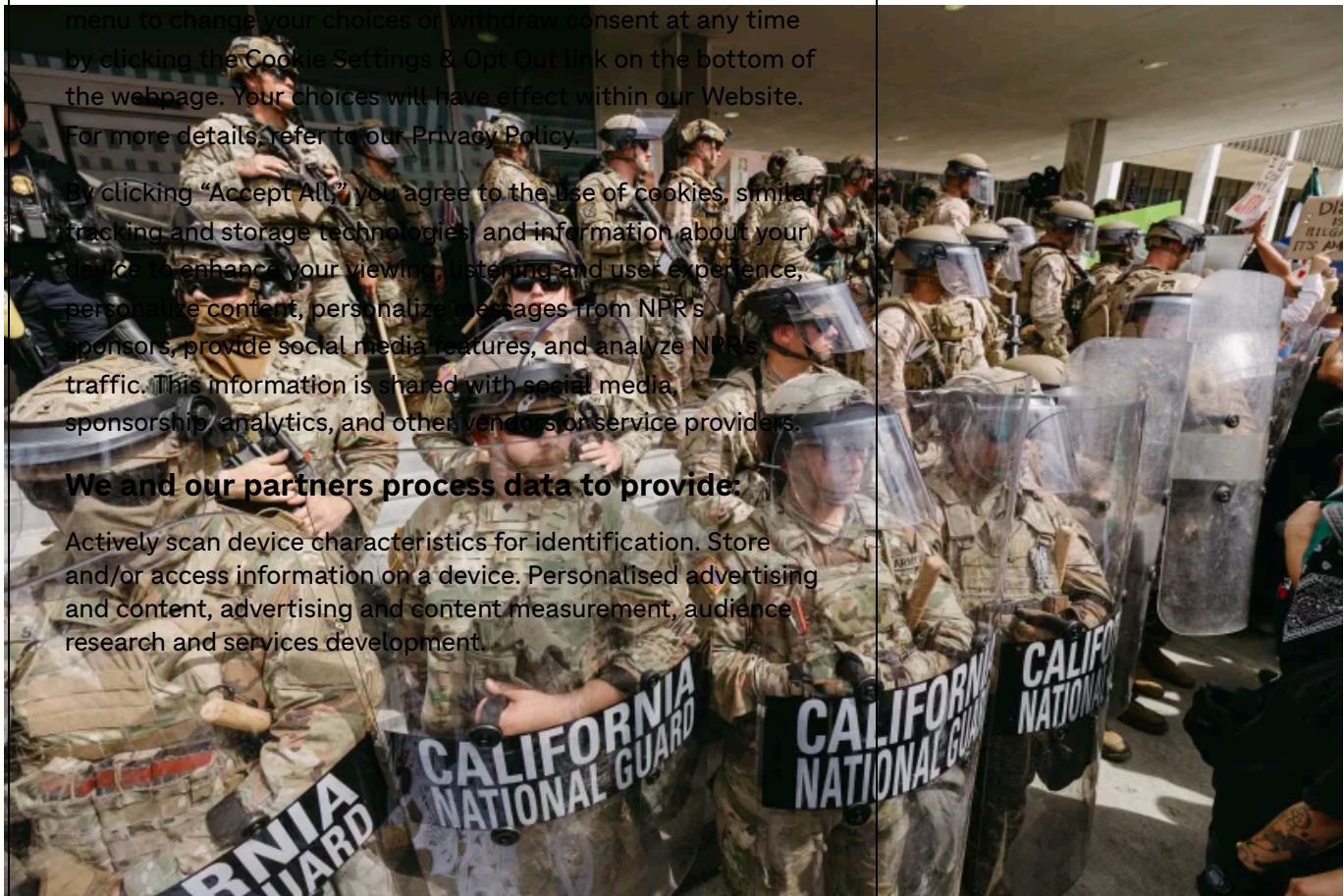
Troops have been deployed in Memphis since October, where Tennessee Republican Gov. Bill Lee welcomed federal intervention. In November, a state judge temporarily blocked the use of troops, but that ruling was paused after the state appealed. ~~The Associated Press reported.~~

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California National Guard members stand in formation during the protest in Los Angeles, California on June 14, 2025.

David Pashaee/AFP via Getty

In June, Trump seized control of California's National Guard against Gov. Gavin Newsom's wishes and deployed thousands of troops to Los Angeles in response to protests over immigration raids in the city. The administration then sought to extend that federalization and deployment several times, keeping around 100 troops in the city, until a federal judge ruled it had to end in December. A federal appeals court agreed, and troops were ordered out of Los Angeles.

Meanwhile, in Washington, D.C., more than 2,000 troops have been on the streets since August after Trump said there was a "crime emergency" in the nation's

capital city. In November, a federal judge ordered an end to the deployment – but only days later, a targeted attack on National Guard members near the White House killed one and wounded another. Trump ordered hundreds more troops to

the city in the aftermath, and a federal appeals court later ruled that Guard members could remain for now.

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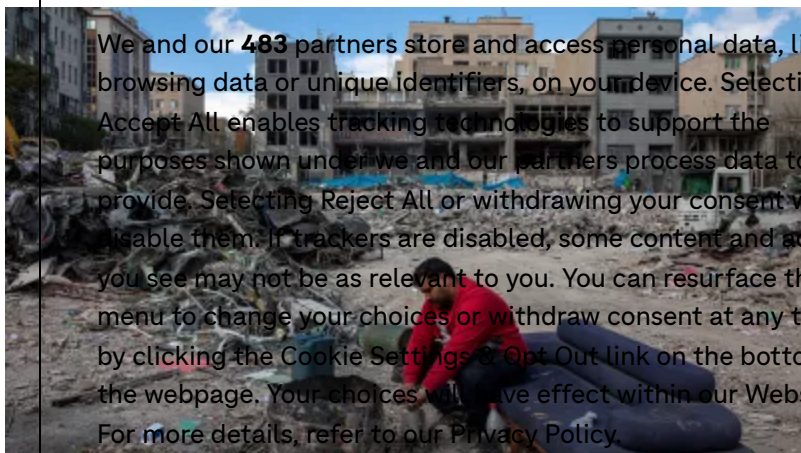
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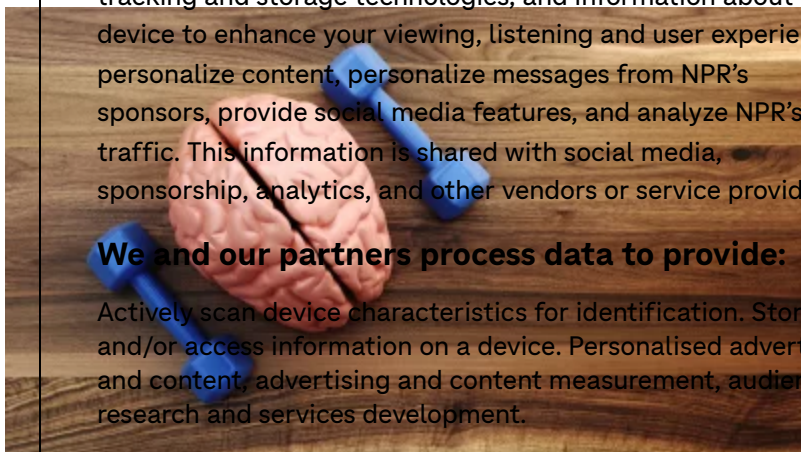
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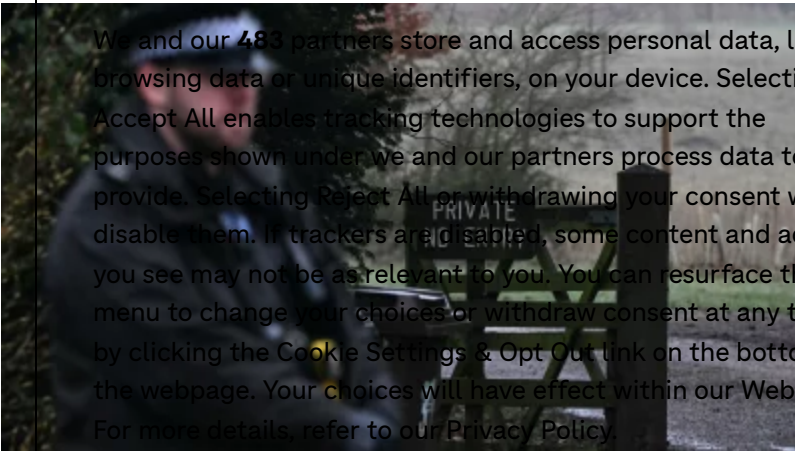
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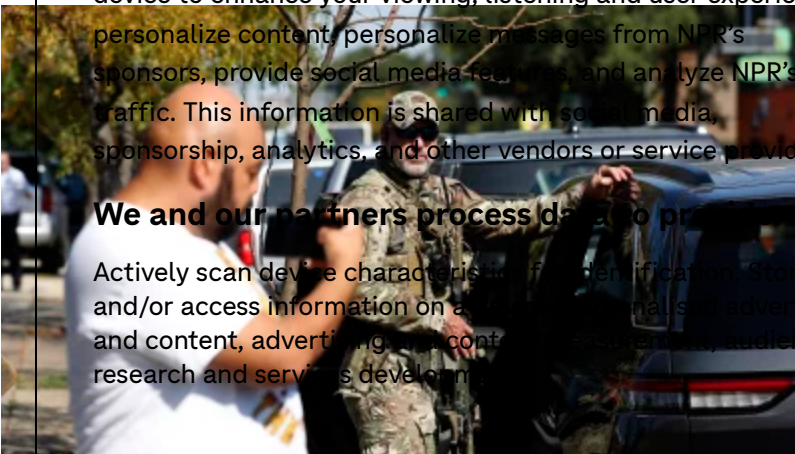


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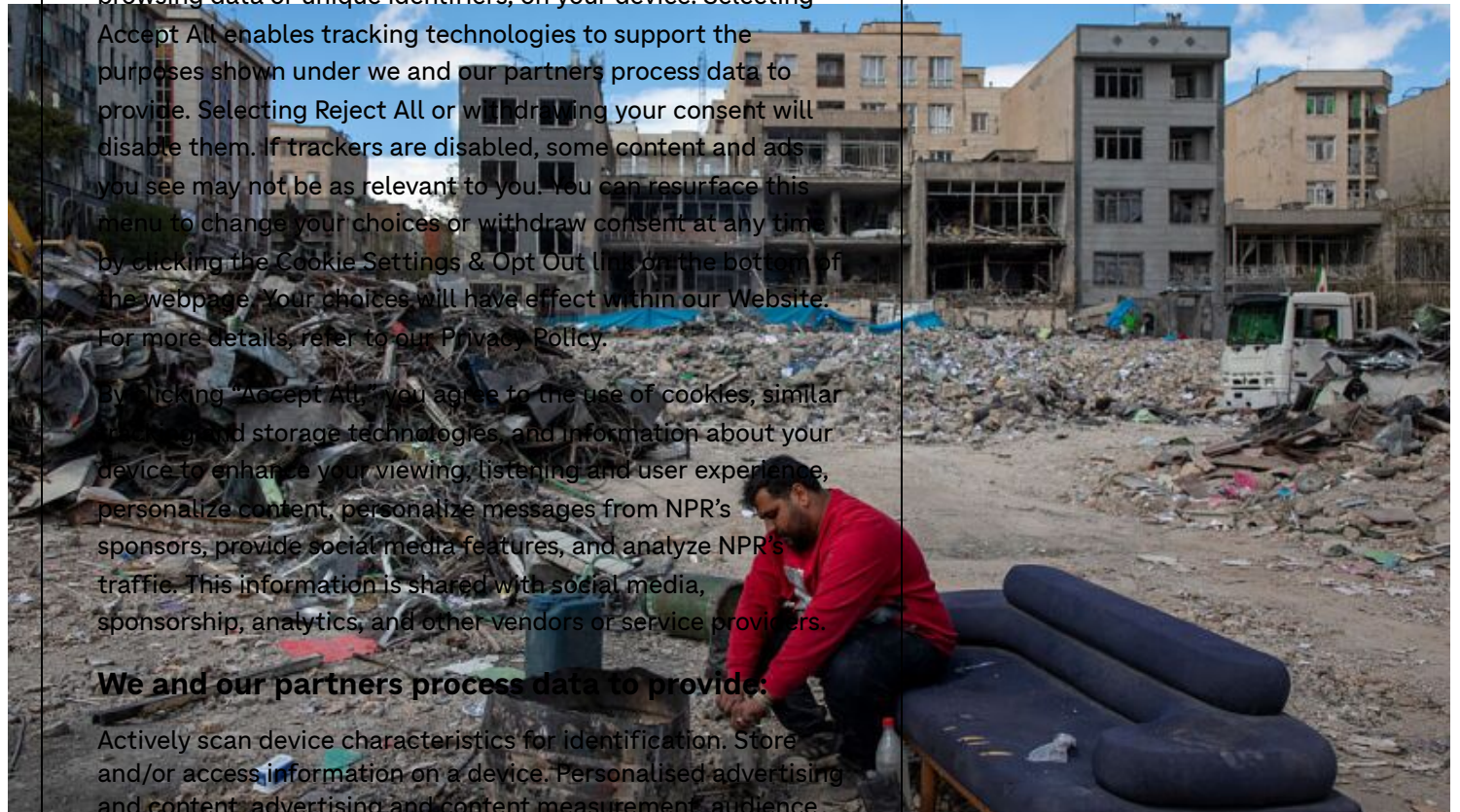
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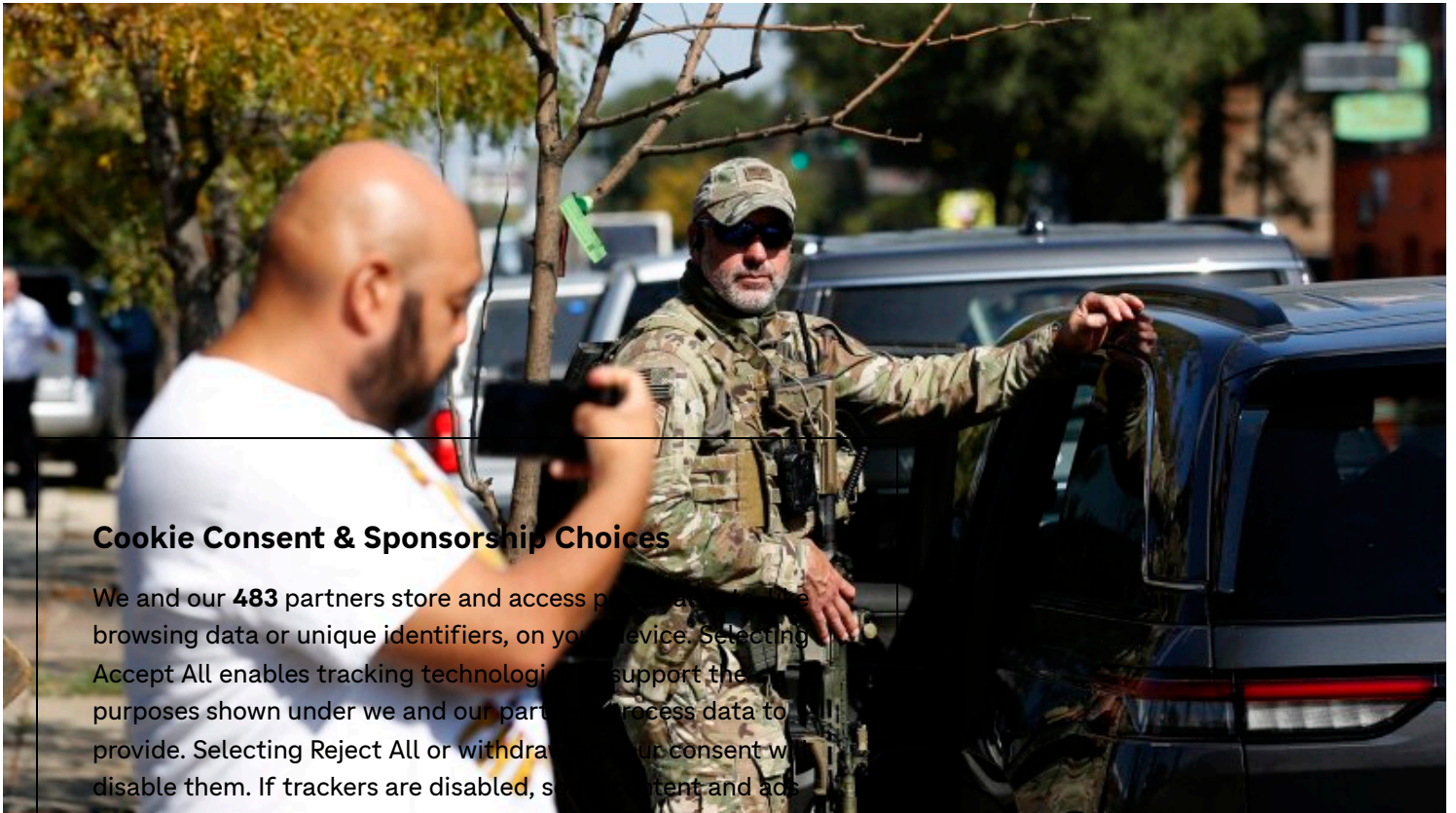
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U.S. and Iran agree to 2-week ceasefire, suspending Trump's threat to annihilate Iran





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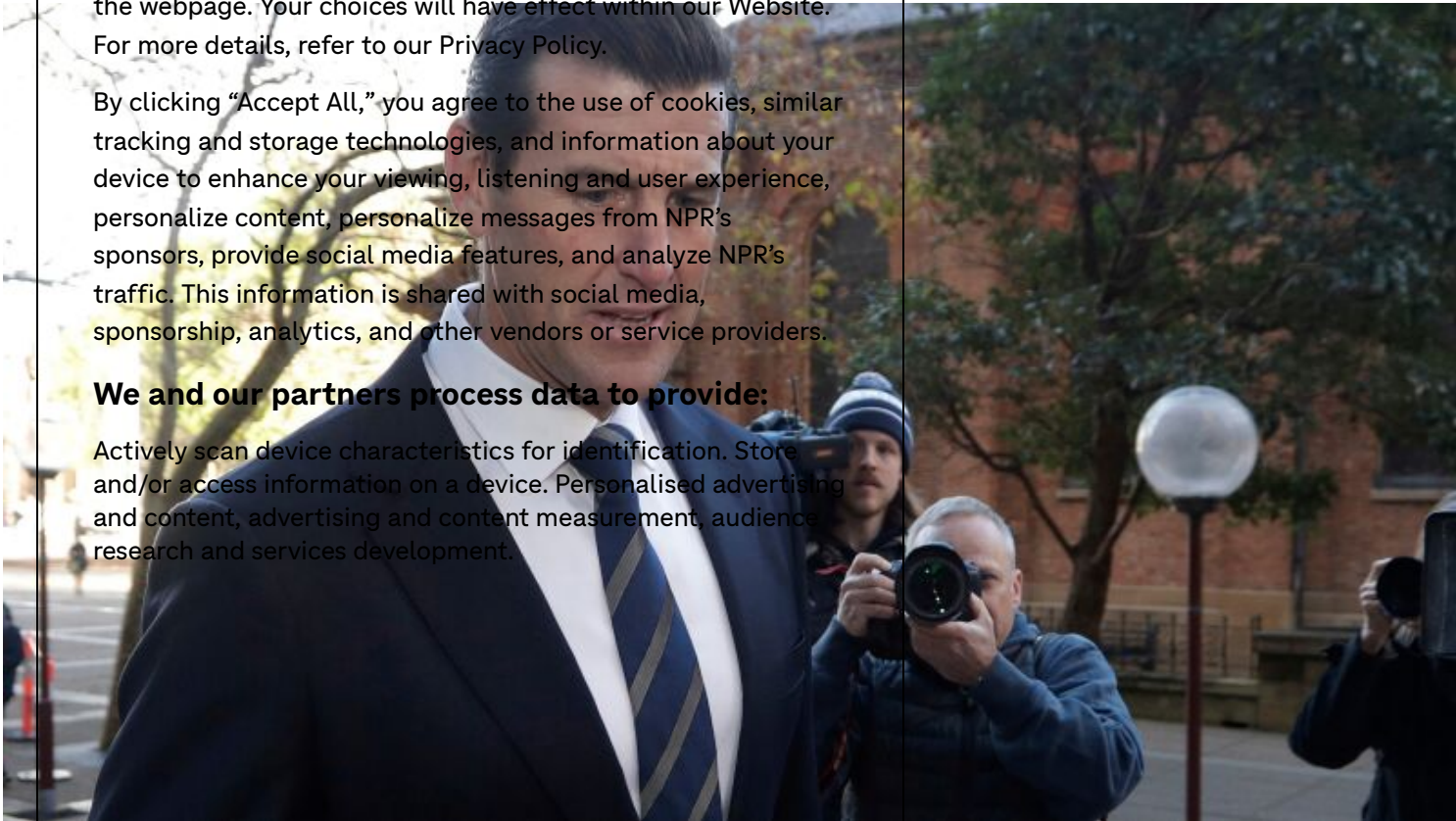
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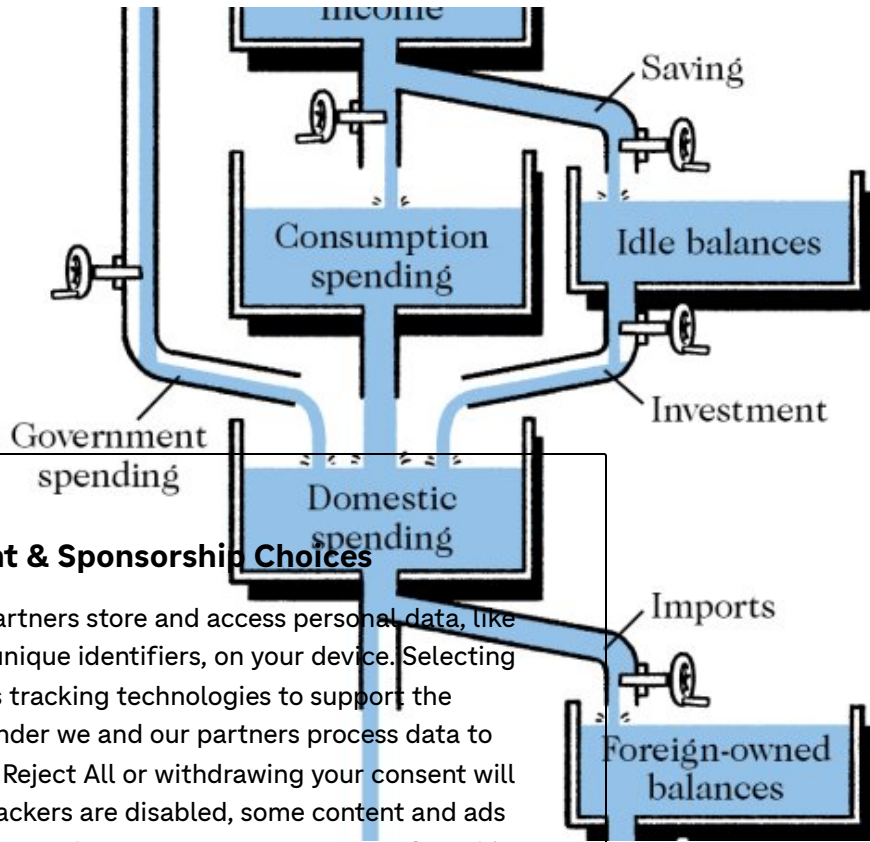
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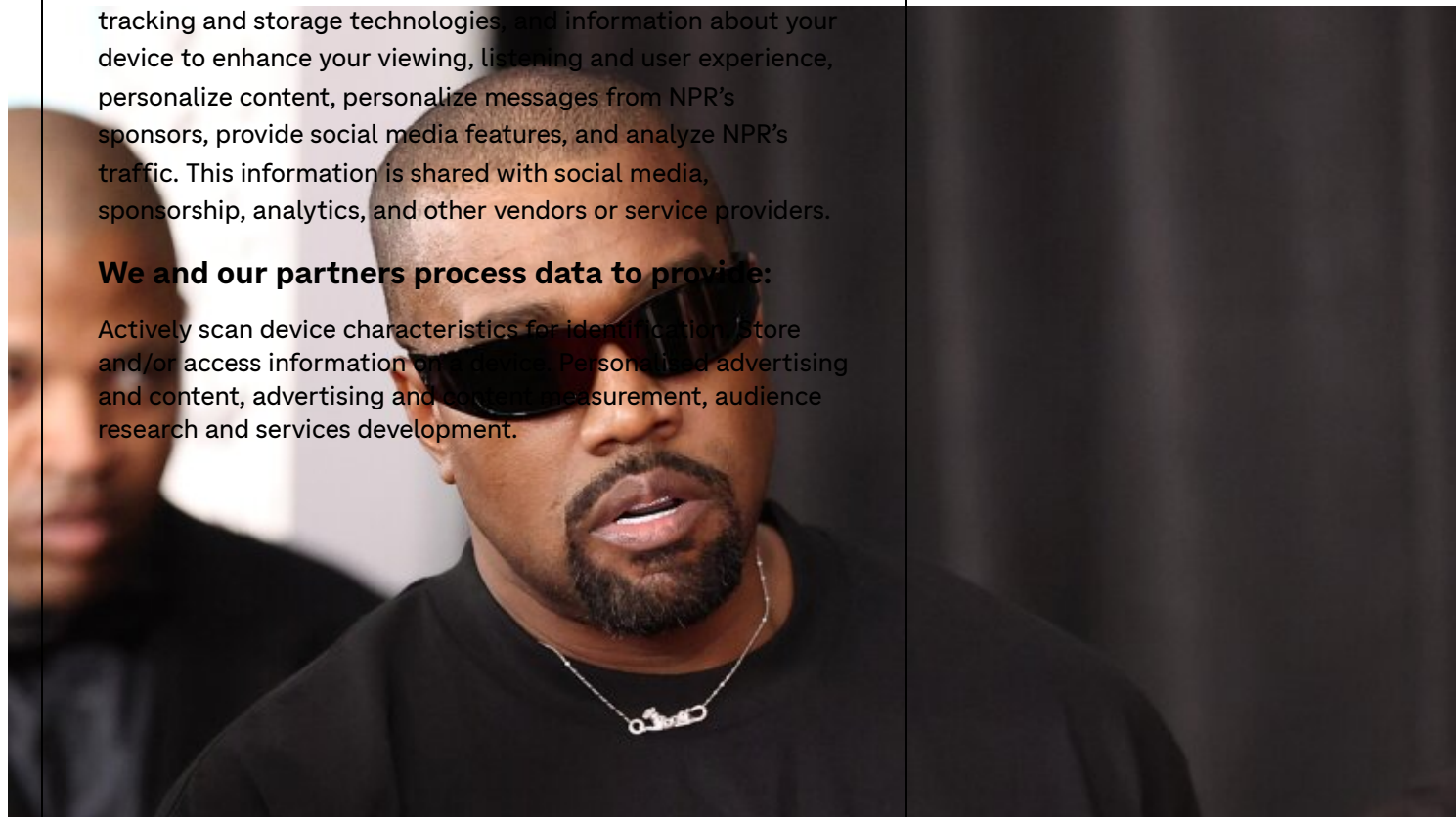
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