

Federalizations of the Guard for Domestic Missions through 2025

Summary: On at least ten occasions since World War II, the President has mobilized National Guard troops for missions within the borders of the U.S. and retained them under federal authority. All these instances would fall within the broad confines of the Constitution, which authorizes the President to call up the militia "to execute the Laws of the Union, suppress Insurrections and repel Invasions." (Article I, Section 8, Clause 15)

Three earlier mobilizations, (Whiskey Rebellion, Dorr's Rebellion, and Mexican Border) also demonstrate federal use of troops for these purposes and are discussed here.

1794 Whiskey Rebellion, Western Pennsylvania -a popular protest to a federal excise tax on liquor and the stills that produced it. After the Governor of Pennsylvania claimed he had insufficient militia to enforce compliance with the unpopular tax, Secretary of War Henry Knox (on the President's authority) called upon the governors of Virginia, Maryland, New Jersey, and Pennsylvania for 12,950 troops to both suppress the insurrection and enforce the laws of the Union. While the summons occurred on August 7, 1794, numerous delays, both political and logistical, had to be overcome before the militiamen were finally dispatched in October. The New Jersey units were commanded by the Governor of New Jersey, Richard Howell (he placed his adjutant general in charge of the cavalry). At the request of President Washington, Virginia's troops were led in person by then-Governor "Light Horse Harry" Lee -a staunch federalist and loyal subordinate during the Revolution (however, while out of the state, the legislature stripped him of his governorship). Governor Thomas Mifflin of Pennsylvania also accompanied the expedition in command of his state's forces. Troops assembled at Carlisle, Pennsylvania and Cumberland, Maryland, where they were reviewed by President Washington, who served as commander-in-chief in the field initially. Washington returned to Philadelphia (the nation's capital at the time) after dispatching the expedition to the west. Washington designated the chain of command in his absence as Lee, Mifflin, then Howell. By the time troops reached Pittsburgh, the rebellion had subsided, and western Pennsylvania was quickly pacified.

1842 -Dorr's Rebellion, Rhode Island President Tyler mobilized Massachusetts and Connecticut militia in response to a request from the Governor of Rhode Island to quell an attempt by a presumed new government to overthrow the established government in Rhode Island.

1916 -Mexican Border In May, following the bloody raid of Columbus, New Mexico, by Mexican bandit Pancho Villa, President Woodrow Wilson requested Texas, New Mexico, and Arizona to send troops to protect the border. 5,260 total were sent from these states. On June 18, as the crisis with Mexico grew, a partial call-up of 158,664 was made, including New York's 1st Aero Company, the first Guard flying unit and forerunner of today's Air National Guard. Within six weeks, 112,000 Guardsmen were patrolling the border while active-duty troops under John Pershing were fruitlessly pursuing Villa in Mexico. The total call-up amounted to approximately 170,000 men. All these men served as militia and were restricted to service within the borders of the United States.

Note: Why were there so few federalizations of the Guard prior to World War II?

The governors of at least five states in the 1930s (Connecticut, Rhode Island, Maine, North Carolina and South Carolina) used their National Guard to block federal agencies from carrying out provisions of the National Industrial Recovery Act (NIRA), programs in their states that were part of the Roosevelt New Deal. In each case, the conflict was resolved in the federal government's favor in the courts. The President lacked the authority at that time to federalize the National Guard without a congressional declaration of war or national emergency. This changed with the passage of the Armed Forces Reserve Act of 1952. Thereafter, like any of the other reserve components, the president could order any individual or unit of the Guard onto involuntary active duty for up to two years.

Post-World War II federal domestic mobilizations of the Guard

1957-58 -Little Rock, Arkansas (Desegregation of Central High School) 24 Sep 57 to 29 May 58, authorized by Exec Order 10730 of 23 Sep 57. 9,873 total called from Arkansas Army and Air Guard - 8,973 released from active duty 10 Nov 57, the remaining 900 retained on Active Duty until 29 May 58. Governor Orval Faubus of Arkansas had initially ordered his National Guard to surround Central High School to prevent black enrollments, claiming he did this to protect citizens and property from riots should they be allowed to enroll. Later, after meeting with President Eisenhower, Faubus withdrew the Guardsmen and, when black students enrolled, rioting broke out which Faubus failed to stop. At the request of the mayor of Little Rock and an Arkansas congressman, President Eisenhower sent federal assistance in the form of U.S. Marshals, then placed the Arkansas Guard under federal control and deployed 1,000 paratroopers from the 101st Airborne Division to assist in maintaining order. Governor Faubus is famously quoted as having called his own National Guard "occupation troops" after they were federalized.

1962 -Oxford, Mississippi (University of Mississippi) 30 Sep 62 to 23 Oct 63. Authorized by **Exec order 11053** of 30 Sep 62. 10,927 total Mississippi Guard called up (9,894 ARNG 122 units; 1,033 ANG 4 units). The University of Mississippi in Oxford refused to enroll James Meredith despite a court order to do so. President Kennedy told the nation he "federalized the Mississippi National Guard as the most appropriate instrument, should any be needed, to preserve law and order while United States marshals carried out the orders of the court ..."

1963 -Tuscaloosa, Alabama (University of Alabama) 11 June 63 thru **11 July 63**. Authorized by Exec Order **11111** of 11 June 63. 16,463 AL Guard called (14,435 ARNG -154 units; 2,028 ANG -17 units). After Governor George Wallace stood in the doorway of the University of Alabama at Tuscaloosa to prevent integration of the school, President Kennedy federalized the Alabama National Guard. Wallace left the university grounds after being informed by Maj. Gen. Henry Graham, Commanding General of the 31st Infantry Division, "Governor Wallace, it is my sad duty to inform you that the National Guard has been federalized. Please stand aside so that the order of the court can be accomplished."

1963 -**Alabama, Integration of Public Schools** -10 to 14 Sep 63. Authorized by **Exec Order 11118** of 10 Sep 63. All of Alabama guard called to active duty but held on standby in armories for these four days. The incident was precipitated by the integration of Tuskegee High School in Huntsville, Alabama.

1965 - **Alabama** (Selma to Montgomery Civil Rights March) -20 to 29 March 65. Authorized by **Exec Order 11207** of 20 March 65. Total of 4,000 Alabama ARNG and ANG federalized. On March 7, Alabama State Troopers and deputies beat civil rights marchers in the outskirts of Selma as they were beginning a peaceful march from Selma to Montgomery. National outrage at the televised images led to President Johnson's federalization of the Alabama National Guard to protect the marchers when they left Selma for Montgomery a second time on March 21. **This also marks the last time the President federalized a state National Guard without its governor's permission or request until 2025.**

1967 **Detroit Riots** -23 July to 2 August 1967. Authorized by **Executive Order 11364**. 10,253 Michigan Army National Guard federally mobilized.

1968 -**King Assassination Riots** -1,854 DC Guard, 5-16 April 68 (**Executive Order 11403** of April 5, 1968). 7,174 Illinois Guard in Chicago, 7-11 April 68 (Executive Order 11404 of April 7, 1968). 5,783 Maryland National Guard in Baltimore, 7-12 April 68 (**Executive Order 11405** of April 7, 1968). Total 14,811 federalized.

1970 -**New York City Postal Strike** -24 March 70 -?? April 70. Authorized by **Executive Order 11519** of 23 March 70. 28,100 total Active and Reserve (26,273 reserve, of which 10,845 ARNG and 1,876 ANG). More than 1,000 troops delivered mail in NYC's financial district; the rest sorted mail and kept strikers from interfering with delivery.

1989 -**Virgin Islands** (Hurricane Hugo) -Initially, beginning on 16 Sept, a Territorial mobilization. On Sept. 20, 1989, via **Executive Order 12690**, President Bush invoked the Insurrection Act to federalize the National Guard to impose order following violence and looting in the wake of Hurricane Hugo. Virgin Islands reported 954 Army National Guard and 29 Air National Guard personnel mobilized for Fiscal Year 1989.

1992 -**LA (Rodney King) Riots** -11,398 California Guard. At first a state active duty call up, but after two days, President Bush invoked the Insurrection Act and called the Guard into federal service: **Executive Order 12804**, May 1, 1992. Virtually the entire 40th Infantry Division was mobilized.

2025 - **Los Angeles (Immigration & Customs Enforcement protests)** - President Donald Trump invokes an Executive Order and cites 12406 Title 10 USC, on 7 June 2025, placing 2,000 of the California National Guard under federal service. First invocation of this provision.

Federalization of the National Guard for Domestic Operations

Date & State	Context	Guard Federalized?	Authority	Governor's Consent?
1957,58 - AR	Desegregation of Central HS, Little Rock	Yes	Exec Order 10730 Title 10 USC Chapter 15 (Insurrection Act)	No
1962: MS	Integration of Univ. Of Miss., Oxford	Yes	Exec Order 11053 Title 10 USC Chapter 15 (Insurrection Act)	No
1963: AL	Integration of Univ. Of Alabama, Tuscaloosa	Yes	Exec Order 11111 Title 10 USC Chapter 15 (Insurrection Act)	No
1963: AL	Integration of Alabama public schools	Yes	Exec Order 11118 Title 10 USC Chapter 15 (Insurrection Act)	No
1965: AL	Selma to Montgomery Civil Rights March	Yes	Exec Order 11207 Title 10 USC Chapter 15 (Insurrection Act)	No
1967: MI	Detroit Riots	Yes	Exec Order 11364 Title 10 USC Chapter 15 (Insurrection Act)	Yes*
1968: DC, IL, MD	Martin Luther King Jr. Riots	Yes	Exec Order 11403 (DC); 11404 (IL). 11405 (MD) Title 10 USC Chapter 15 (Insurrection Act)	DC -N/A; IL & MD: Yes*
1970: NY	NYC Postal Strike	Yes	Exec Order 11519 10 USC 3500 & 8500 (now 10 USC 12406)	Yes
1989: VI	Looting in aftermath of Hurricane Hugo	Yes	Exec Order 12690 Title 10 USC Chapter 15 (Insurrection Act)	Unknown
1992: CA	Rodney King Riots	Yes	Exec Order 12804 Title 10 USC Chapter 15 (Insurrection Act)	Yes*
2025: CA	ICE Protests	Yes	Exec Order - Title 10 USC 12406 (Insurrection Act <u>not</u> proclaimed as of 9 JUN 2025)	NO

NOTE: In each of these instances, the governor requested federal forces to assist in maintaining order. However, it is unclear whether the Governor intended or desired that his National Guard be called into federal service and thus taken from his control, though this indeed happened in each of these cases.

Note on the Insurrection Act. Of the three substantive sections of 10 USC Chapter 15 (331, 332, 333) only Section 331 requires a request from the state, either the legislature or the governor if the legislature cannot be convened. For example, in those instances when Chapter 15 was used for Civil Rights purposes, only sections 332 & 333 were cited in the Executive Order. By way of comparison, for the Virgin Islands (1989) and California (1992) the Executive Order cited only Chapter 15 without any reference to specific sections therein.