Insurrection Act

Why in news?

US President Donald Trump may use federal troops to end unrest that has erupted following the death of George Floyd.

What is the story behind?

- George Floyd was an unarmed black man killed in police custody.
- The demonstrations have been largely peaceful.
- However, police in some cities have used force against journalists and protesters, and protesters have clashed with police.
- Many US cities have set curfews.
- Trump said that if a city or state refuses to take the necessary actions to defend the life and property of their residents, he may deploy the US military to solve the problem.
- To deploy the armed forces, Trump would need to formally invoke a group of statutes known as the Insurrection Act.

What is the Insurrection Act?

- Under the US Constitution, governors generally have the authority to maintain order within state borders.
- This principle is reflected in a law called the Posse Comitatus Act.
- The Posse Comitatus Act generally bars the federal military from participating in domestic law enforcement.
- The Insurrection Act, which dates to the early 1800s, creates an exception to the Posse Comitatus Act.
- It permits the president to send in US forces to suppress a domestic insurrection that has hindered the normal enforcement of US law.

Can Trump send in troops without a Governor's approval?

- Yes. The law lays out a scenarios in which the president is required to have approval from a state's governor or legislature.
- The law also instances where such approval is not necessary.

Has it been invoked before?

- The Insurrection Act has been invoked on dozens of occasions through the US history.
- Since the civil rights movement of the 1960s, its use has become exceedingly rare according to a report.
- The Act was last used in 1992, when the acquittal of four Los Angeles police officers in the beating of black motorist Rodney King led to deadly riots.

Can a court strike down Trump's application of the law?

- A successful legal challenge to Trump's use of the law was very unlikely.
- Courts have historically been very reluctant to second-guess a President's military declarations.
- The law, for all practical purposes, leaves this to the President with very little judicial review with any teeth.

Source: The Indian Express

