

Why Trump's Paramilitary Force Is Unconstitutional. 'A Profoundly Un-American Attack On Civil Society'

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We are being confronted in city after city with a nationwide paramilitary force, its troops unidentifiable and its vehicles unmarked, directed in deliberately vague terms to protect property and preserve domestic order.

It began in Portland, Oregon where [chilling video](#) shows men in combat gear seizing unarmed protestors, packing them into rented minivans and driving off. Some victims of these [kidnappings](#) remain in the dark about their abductors even after being freed. In one dystopian [scene](#), a Portland man was seized, blindfolded, transported, imprisoned and finally released — without once being told who had abducted him and why.



[Widespread criticism](#) of these secretive police has not cowed the president. Instead, [egged on](#) by his [lackeys](#), Trump plans to [expand](#) this paramilitary force. He has [mobilized](#) 2,000 agents from Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), and the Coast Guard, placing them on standby to quickly deploy domestically. If Trump's [words](#) are to be believed, these troops are staring down the barrel at Chicago, Detroit, Philadelphia and more.

This astonishing federal takeover of public streets and spaces previously devoted to peaceful protest has targeted jurisdictions and individuals selected specifically (and at times [admittedly](#)) for their dissent from the policies of the incumbent national regime.

Portland has seen 54 consecutive days of [protests](#) — the vast majority peaceful — in the wake of the killing of George Floyd. Chicago, Trump’s next target, has seen similar [dissatisfaction](#). Boston, a city with Democratic leadership that proudly [proclaims](#) “Black Lives Matter,” could be next on the list. If the militia descends on Boston, our city’s leaders [can](#) and should arrest and prosecute anyone who unlawfully assaults and kidnaps civilians. The district attorney of Philadelphia has already [promised](#) as much.

This is not mere disregard for the rule of law — this is outright disdain.

The administration has also trained its cyberweapons on American citizens. The Department of Homeland Security (DHS) recently [directed its analysts](#) to collect the information — including scrubbing the social media accounts — of anyone who they believe might deface a statue or monument. If you have (or would) protest alongside someone holding a can of spray paint, analysts trained to identify terrorists might be combing through your Facebook.

Deployment of this clandestine force, answerable only to the president, is manifestly unconstitutional. Our Constitution protects the rights of the accused. Trump’s forces are [arresting peaceful protestors](#) without warrants or probable cause, in some instances spiriting them away to places unknown. Our First Amendment guarantees the rights of free speech, petition and assembly. Trump’s forces are arresting and [beating](#) his political critics. Our federalist system prohibits the federal government from policing the streets where, as here, state and local authorities are equipped to preserve domestic tranquility and have not been demonstrably overwhelmed. Trump’s forces are [usurping](#) state prerogatives.



Protesters use shields and umbrellas against the Federal forces in Portland, Oregon on July 21, 2020. Over a thousand people, including a large march of mothers, demonstrated for racial justice and against Donald Trump’s insertion of Federal officers in Portland, Oregon. (John Rudoff/Anadolu Agency via Getty Images)

Such a presidential police force would surely have been unthinkable to those who fought a

bloody revolution and founded a republic to preserve the “blessings of liberty” under a federal system of separated and divided powers. It would have been utterly unimaginable to those who gave “their last full measure of devotion” to preserve the Union. And it would have been the worst nightmare of those who sacrificed their lives in World War II to keep authoritarian regimes from our shores.

This is not mere disregard for the rule of law — this is outright disdain. And the naked cynicism of those [disguising](#) these dictatorial moves in the facially anodyne garb of essential peacekeeping — a move that, sadly, might well succeed for a time in holding sufficiently wide-ranging judicial relief at bay — is especially disgusting.

Judges worthy of the independence and life tenure entrusted to them will hopefully enjoin the worst excesses of this profoundly un-American attack on civil society. Politicians worthy of leading a republic will hopefully denounce and dismantle this anti-democratic militia. But the long shadow of fear cast by the Trump administration’s programmatic assault on our freedoms will remain until — “from sea to shining sea” — that entire administration is ripped root and branch from our native land.

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