

Critical Considerations

What is *Posse Comitatus* all about?

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The Trump administration's decision to send federal military personnel and National Guard troops to U.S. cities has sparked renewed debate about the role of the military in civilian law enforcement and focused attention on a 147-year-old law known as the Posse Comitatus Act.

The literal meaning of the term *posse comitatus* is *power of the county*. It has been used since medieval times to refer to a group of people (usually able-bodied men) who are deputized by a sheriff (a county official) to engage in local law enforcement. The posses of the old Western movies would be an example of a posse comitatus.

The current law, enacted in 1878, grew out of the political conflicts of the post-Civil War era. From 1865 to 1877, federal troops occupied the states of the Confederacy (Reconstruction) to assure that the rights of formerly enslaved African Americans were protected. The contentious election of 1876 led to a crisis that resulted in the Compromise of 1877. The Republican candidate Rutherford B. Hayes would assume the presidency, but in exchange, Reconstruction would end with the withdrawal of federal troops from the South, thus paving the way for Jim Crow and the ongoing subjugation of Black Americans.

Southern Democratic politicians returning to Washington were determined to assure that the federal government would not be able to interfere in their internal affairs. The Posse Comitatus Act was passed in 1878 as an amendment to the Army's annual appropriations bill. According to the historical record of the legislation, it is clear that the goal of the bill's sponsors was to prevent the federal military from protecting the civil rights of African Americans.

While Posse Comitatus is very clear that the military services (Army, Air Force, Navy, and Marines) have no role in civilian law enforcement, the situation is murkier with regard to the National Guard, and especially the D.C. National Guard which is directly under the command of the president rather than a governor.

The following articles provide more in-depth information about Posse Comitatus and the role of the National Guard:

- [Limiting the Military's Role in Law Enforcement](#)
- [The Thin Blue Line Between Soldiers and Police: Understanding the Posse Comitatus Act](#)
- [The Posse Comitatus Act Explained](#)