

Trending: [Forecast](#) | [Yosemite](#) | [UC Merced](#) | [Tartine expanding](#) | [S.F. chef, influencer feud](#) |

OPINION // OPEN FORUM

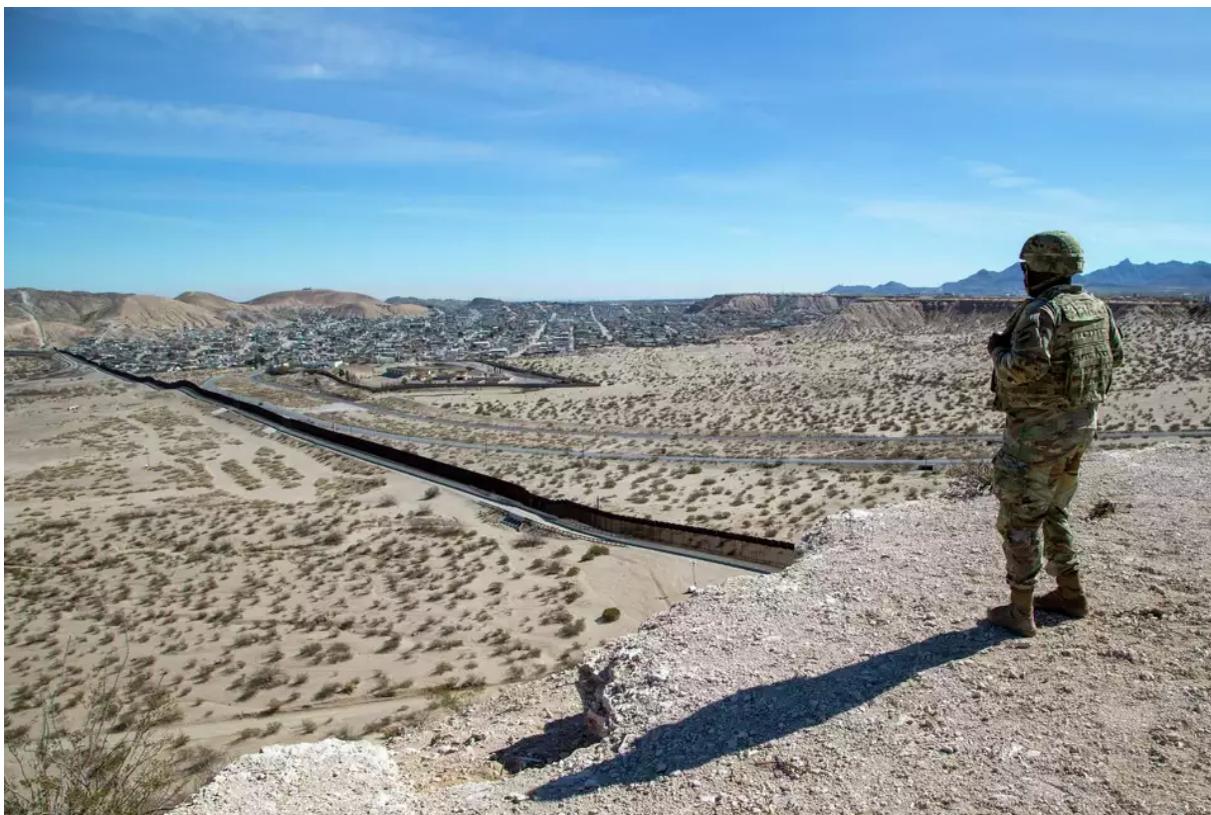
Is Trump preparing to invoke the Insurrection Act? Signs are pointing that way

A joint Department of Defense and Homeland Security report will soon recommend whether or not to invoke the Insurrection Act over illegal migration

By **Brett Wagner**

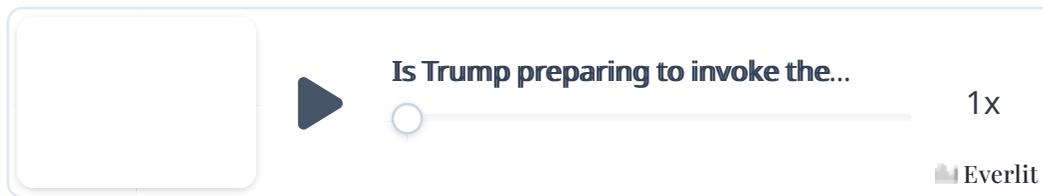
March 5, 2025

[Gift Article](#)



An Army soldier surveys the wall at the U.S.-Mexico border in Sunland Park, N.M. President Trump's claims of an emergency at the border could be used to invoke the Insurrection Act and impose martial law.

Andres Leighton/Associated Press



The clock is ticking down on a crucial but little-noticed part of President Donald Trump’s first round of executive orders — the one tasking the secretaries of the Department of Defense and Department of Homeland Security to submit a joint report, within 90 days, recommending “whether to invoke the Insurrection Act.”

Many of us are now holding our collective breath, knowing that the report and what it contains could put us on the slippery slope toward unchecked presidential power under a man with an affinity for ironfisted dictators.

Adding to the suspense was the recent “Friday Night Massacre” at the Pentagon — the firing of the nation’s top uniformed officer and removing other perceived guardrails (i.e., the top uniformed lawyers at the Army, Navy and Air Force) standing between the president and his long-stated intention to declare martial law upon returning to power.

Coincidence?

As we wait to find out, this would be a good time to take a closer look.

Say, for example, that Trump were to invoke the Insurrection Act and declare martial law. He wouldn’t even be required, by the letter of the law, to allege an “insurrection.” All that would be required is to assert that “unlawful obstruction” has made it “impracticable to enforce the laws of the United States” (as President Dwight D. Eisenhower did when he ordered the Arkansas National Guard to enforce the desegregation of Little

Rock, Ark., schools).

This is where all the false claims and outright lies Trump and his political allies have been pushing will come into play: Trump falsely alleging, for example, that an entire city in Colorado has been taken over by Venezuelan street gangs, that a city in Ohio has been overrun by Haitian refugees who are eating all the cats and dogs, and other vague assertions that “millions and millions” of “illegals” are pouring into our country every week (or “day” depending on who’s telling the lie at the moment).

Each of these false claims and outright lies could be distilled, to declare martial law, into catchy phrases (beginning with the legalese word “Whereas”) to establish the legal premise for invoking the Insurrection Act, and to lay the predicate to begin going door-to-door, wherever they please, under the pretense of searching for undocumented immigrants who don’t exist.

Despite the logistical complexity, not to mention the sheer size of U.S. territory and population, implementing martial law could move quickly. Take that city in Colorado, for example:

For months leading up to the election, Trump and his surrogates spread wild lies about Aurora, promising extensive immigration raids, if elected.

Aurora just happens to already have its own Immigration and Customs Enforcement office, plus a military base, which has just been tapped to serve as a “temporary” detention center.

Project 2025 further proposes to push past Trump’s plan — already in progress (but reportedly being phased out), to house up to 30,000 detainees on a rolling basis at the U.S. Navy base at Guantanamo Bay, Cuba — by bringing Guantanamo to a town near you: setting up additional Guantanos scattered

out all across the country.

One such potential Guantanamo I believe to be under consideration is the former Leavenworth Detention Center, a former outpost of our nation's for-profit "prison industrial complex" located near Kansas City, Mo. Nearby residents are up in arms, hoping to prevent the site, previously closed due to egregious human rights violations, from being reopened. I recently made a trip to see it and was horrified by the thought of hundreds, if not thousands, of undocumented families being herded there like the cattle who graze across the street.

Of course, any of these Guantanos could also potentially be used to detain U.S. citizens now that Trump is testing the waters on stripping U.S. citizens of citizenship. Vice President JD Vance has suggested that should the courts rule against the president on terminating birthright citizenship, Dear Leader could simply ignore the order.

"But what about civil disobedience?" you might ask. "You can't just turn America into North Korea overnight!"

The only thing that stopped Trump the last time he ordered the military to open fire on American protesters ("Can't you just shoot them? Just shoot them in the legs or something?") was the refusal by his then-defense secretary and top general to carry out his order.

Fast forward four years, and the venture capitalist slated to be our next top general is a Conservative Political Action Conference darling who Trump claims was wearing a MAGA hat when the two met previously in Iraq.

Other vacancies waiting to be filled are the top uniformed lawyers for the Army, Navy and Air Force — the three-star generals responsible for reviewing orders from the

commander-in-chief and defense secretary, to decide whether they're legal. Seeking to remove any doubt as to why the previous officers were being removed, Secretary of Defense Pete Hegseth recently explained that the action was taken, preemptively, to prevent them from blocking “orders that are given by a commander in chief.”

Thanks for saying the quiet part out loud. Sounds like Trump is well on his way to finding the right “yes men” this time around.

Meanwhile, don't take your eyes off Elon Musk.

About Opinion

Guest opinions in **Open Forum and Insight** are produced by writers with expertise, personal experience or original insights on a subject of interest to our readers. **Their views do not necessarily reflect** the opinion of The Chronicle editorial board, which is committed to providing a diversity of ideas to our readership.

[Read more about our transparency and ethics policies](#)

Is it a coincidence that the president would just happen to set the world's richest man loose inside all of the government's computers — allowing his biggest campaign donor, the owner of one of the world's largest artificial intelligence companies, access to everything the government knows about you — at the same moment he could be preparing to impose martial law?

That's something none of us should dismiss as coincidence.

Brett Wagner, now retired, served as a professor of national security decision making for the U.S. Naval War College and adjunct fellow at the Center for Strategic and International

Top Of The News

REAL ESTATE

Here's how many Bay Area homeowners are using Prop 19 to pay lower property taxes



SAN FRANCISCO

'It doesn't feel real': Long-rumored 1,100-unit housing project finally breaking ground in S.F.

"We have been hearing about this project for a decade," said a nearby business owner. "We have been let down so many times."

ARTS & ENTERTAINMENT

San Francisco museums caught in city's financial crisis: Budget cuts, layoffs and 'unsafe' conditions

RESTAURANTS

Stephen of \$Ayes had a \$50,000 to do it but he's taking up Fed's say
the time pocketed it

Let's Play



Cross|word



Flipart



Really Bad Chess



SpellTov

Top

About

Contact

Services

Account

HEARST *newspapers* © 2025 Hearst Communications, Inc. [Terms of Use](#) [Privacy Notice](#)

[CA Notice at Collection](#) [Your CA Privacy Rights \(Shine the Light\)](#) [DAA Industry Opt Out](#)

[Your Privacy Choices \(Opt Out of Sale/Targeted Ads\)](#)