

**TITLE 10 - ARMED FORCES**

**Subtitle A - General Military Law**

**PART I - ORGANIZATION AND GENERAL MILITARY POWERS**

**CHAPTER 15 - ENFORCEMENT OF THE LAWS TO RESTORE PUBLIC ORDER**

**§ 331. Federal aid for State governments**

Whenever there is an insurrections in any State against its government, the President may, upon the request of its legislature or of its governor if the legislature cannot be convened, call into Federal service such of the militia of the other States, in the number requested by that State, and use such of the armed forces, as he considers necessary to suppress the insurrection.

(Aug. 10, 1956, ch. 1041, 70A Stat. 15.)

**Historical and Revision Notes**

<b>Revised section</b>	<b>Source (U.S. Code)</b>	<b>Source (Statutes at Large)</b>
331	50:201.	R.S. 5297.

The words “armed forces” are substituted for the words “land or naval forces of the United States”. The word “governor” is substituted for the word “executive”. The word “may” is substituted for the words “it shall be lawful \* \* \* to”. The words “into Federal service” are substituted for the word “forth” for uniformity and clarity.

**TITLE 10 - ARMED FORCES****Subtitle A - General Military Law****PART I - ORGANIZATION AND GENERAL MILITARY POWERS****CHAPTER 15 - ENFORCEMENT OF THE LAWS TO RESTORE PUBLIC ORDER****§ 332. Use of militia and armed forces to enforce Federal authority**

Whenever the President considers that unlawful obstructions, combinations, or assemblages, or rebellion against the authority of the United States, make it impracticable to enforce the laws of the United States in any State by the ordinary course of judicial proceedings, he may call into Federal service such of the militia of any State, and use such of the armed forces, as he considers necessary to enforce those laws or to suppress the rebellion.

(Aug. 10, 1956, ch. 1041, 70A Stat. 15; Pub. L. 109–163, div. A, title X, § 1057(a)(2), Jan. 6, 2006, 119 Stat. 3440.)

**Historical and Revision Notes**

Revised section	Source (U.S. Code)	Source (Statutes at Large)
332	50:202.	R.S. 5298.

50:202 (last 22 words) is omitted as surplusage. The words “armed forces” are substituted for the words “land and naval forces of the United States”. The words “call into Federal service such of the militia” are substituted for the words “call forth the militia of any or all the States” for clarity and uniformity. The word “may” is substituted for the words “it shall be lawful”. The words “faithful execution of the” and “in whatever State or Territory thereof the laws of the United States may be forcibly opposed” are omitted as surplusage.

**Derivation**

Act July 29, 1861, ch. 25, § 1, 12 Stat. 281.

**Amendments**

2006—Pub. L. 109–163 struck out “or Territory” after “in any State”.

**Ex. Ord. No. 10730. Assistance for Removal of an Obstruction of Justice Within the State of Arkansas**

Ex. Ord. No. 10730, Sept. 24, 1957, 22 F.R. 7628, authorized the Secretary of Defense to order into the active military service of the United States units of the National Guard of the United States and of the Air National Guard of the United States within the State of Arkansas for an indefinite period and until relieved by appropriate orders in order to enforce any orders of the United States District Court for the Eastern District of Arkansas for the removal of obstructions to justice in respect to enrollment and attendance at public schools in the Little Rock School District, Little Rock, Arkansas; authorized the Secretary of Defense to also use the armed forces of the United States to enforce such orders of the district court; and authorized the Secretary of Defense to delegate his authority to the Secretary of the Army or the Secretary of the Air Force.

**Ex. Ord. No. 11053. Assistance for Removal of Unlawful Obstructions of Justice in the State of Mississippi**

Ex. Ord. No. 11053, Sept. 30, 1962, 27 F.R. 9681, authorized the Secretary of Defense to call into the active military service of the United States units of the Army National Guard and of the Air National Guard of the State of Mississippi for an indefinite period and until relieved by appropriate orders in order to enforce all orders of the United States District Court for the Southern District of Mississippi and of the United States Court of Appeals for the Fifth Circuit for the removal of obstructions to justice in the State of Mississippi; authorized the Secretary of Defense to also use the armed forces of the United States to enforce such court orders; and authorized the Secretary of Defense to delegate his authority to the Secretary of the Army or the Secretary of the Air Force.

**Ex. Ord. No. 11111. Assistance for Removal of Obstructions of Justice and Suppression of Unlawful Combinations Within the State of Alabama**

Ex. Ord. No. 11111, June 11, 1963, 28 F.R. 5709, authorized the Secretary of Defense to call into the active military service of the United States units of the Army National Guard and of the Air National Guard of the State of Alabama for an indefinite period and until relieved by appropriate orders in order to enforce the laws of the United States within that State and the orders of the United States District Court for the Northern District of Alabama, to remove obstructions to justice, and to suppress unlawful assemblies, conspiracies, and domestic violence which oppose the laws of the United States or impede the course of justice under those laws within that State; authorized the Secretary of Defense to also use the armed forces of the United States for such purposes; and authorized the Secretary of Defense to delegate his authority to the Secretary of the Army or the Secretary of the Air Force.

**Ex. Ord. No. 11118. Assistance for Removal of Unlawful Obstructions of Justice in the State of Alabama**

Ex. Ord. No. 11118, Sept. 10, 1963, 28 F.R. 9863, authorized the Secretary of Defense to call into the active military service of the United States units of the Army National Guard and of the Air National Guard of the State of Alabama for an indefinite period and until relieved by appropriate orders in order to enforce the laws of the United States and any orders of United States Courts relating to the enrollment and attendance of students in public schools in the State of Alabama and to suppress unlawful assemblies, conspiracies, and domestic violence which oppose the law or impede the course of justice under the law within that State; authorized the Secretary of Defense to also use the armed forces of the United States for such purposes; and authorized the Secretary of Defense to delegate his authority to the Secretary of the Army or the Secretary of the Air Force.

**TITLE 10 - ARMED FORCES****Subtitle A - General Military Law****PART I - ORGANIZATION AND GENERAL MILITARY POWERS****CHAPTER 15 - ENFORCEMENT OF THE LAWS TO RESTORE PUBLIC ORDER****§ 333. Major public emergencies; interference with State and Federal law****(a) Use of Armed Forces in Major Public Emergencies.—**

(1) The President may employ the armed forces, including the National Guard in Federal service, to—

(A) restore public order and enforce the laws of the United States when, as a result of a natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition in any State or possession of the United States, the President determines that—

(i) domestic violence has occurred to such an extent that the constituted authorities of the State or possession are incapable of maintaining public order; and

(ii) such violence results in a condition described in paragraph (2); or

(B) suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy if such insurrection, violation, combination, or conspiracy results in a condition described in paragraph (2).

(2) A condition described in this paragraph is a condition that—

(A) so hinders the execution of the laws of a State or possession, as applicable, and of the United States within that State or possession, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State or possession are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(B) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

(3) In any situation covered by paragraph (1)(B), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

**(b) Notice to Congress.—** The President shall notify Congress of the determination to exercise the authority in subsection (a)(1)(A) as soon as practicable after the determination and every 14 days thereafter during the duration of the exercise of that authority.

(Aug. 10, 1956, ch. 1041, 70A Stat. 15; Pub. L. 109–364, div. A, title X, § 1076(a)(1), Oct. 17, 2006, 120 Stat. 2404.)

**Historical and Revision Notes**

Revised section	Source (U.S. Code)	Source (Statutes at Large)
333	50:203.	R.S. 5299.

The words “armed forces” are substituted for the words “land or naval forces of the United States”. The word “shall” is substituted for the words “it shall be lawful for \* \* \* and it shall be his duty”.

**Derivation**

Act Apr. 20, 1871, ch. 22, § 3, 17 Stat. 14.

**Amendments**

2006—Pub. L. 109–364 amended section catchline and text generally, substituting provisions authorizing the President to employ the armed forces during a natural disaster or terrorist attack or to suppress an insurrection in a State and

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 3, 2007 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

requiring notice to Congress during the exercise of such authority for provisions directing the President to suppress certain insurrections and domestic violence in a State.

**TITLE 10 - ARMED FORCES****Subtitle A - General Military Law****PART I - ORGANIZATION AND GENERAL MILITARY POWERS****CHAPTER 15 - ENFORCEMENT OF THE LAWS TO RESTORE PUBLIC ORDER****§ 334. Proclamation to disperse**

Whenever the President considers it necessary to use the militia or the armed forces under this chapter, he shall, by proclamation, immediately order the insurgents or those obstructing the enforcement of the laws to disperse and retire peaceably to their abodes within a limited time.

(Aug. 10, 1956, ch. 1041, 70A Stat. 16; Pub. L. 109–364, div. A, title X, § 1076(a)(2), Oct. 17, 2006, 120 Stat. 2405.)

**Historical and Revision Notes**

Revised section	Source (U.S. Code)	Source (Statutes at Large)
334	50:204.	R.S. 5300.

The words “militia or the armed forces” are substituted for the words “military forces” for clarity and to conform to sections 331, 332, and 333 of this title.

**Derivation**

Act July 29, 1861, ch. 25, § 2, 12 Stat. 282.

**Amendments**

2006—Pub. L. 109–364 inserted “or those obstructing the enforcement of the laws” after “insurgents”.

**Proc. No. 3204. Obstruction of Justice in the State of Arkansas**

Proc. No. 3204, Sept. 23, 1957, 22 F.R. 7628, commanded all persons in the State of Arkansas who were obstructing the enforcement of orders of the United States District Court for the Eastern District of Arkansas relating to enrollment and attendance at public schools, particularly Central High School at Little Rock, Arkansas, to cease and desist therefrom and to disperse forthwith.

**Proc. No. 3497. Obstruction of Justice in the State of Mississippi**

Proc. No. 3497, Sept. 30, 1962, 27 F.R. 9681, commanded all persons in the State of Mississippi who were obstructing the enforcement of orders entered by the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit to cease and desist therefrom and to disperse and retire peaceably forthwith.

**Proc. No. 3542. Unlawful Obstruction of Justice and Combinations in the State of Alabama**

Proc. No. 3542, June 11, 1963, 28 F.R. 5707, commanded the Governor of the State of Alabama and all other persons who were obstructing the orders of the United States District Court for the Northern District of Alabama relating to the enrollment and attendance of Negro students at the University of Alabama to cease and desist therefrom.

**Proc. No. 3554. Obstruction of Justice in the State of Alabama**

Proc. No. 3554, Sept. 10, 1963, 28 F.R. 9861, commanded all persons obstructing the enforcement of orders entered by the United States District Courts in the State of Alabama relating to the enrollment and attendance of students in public schools in that State to cease and desist therefrom and to disperse and retire peaceably forthwith.

**Proc. No. 3645. Obstruction of Justice in the State of Alabama**

Proc. No. 3645, Mar. 23, 1965, 30 F.R. 3739, commanded all persons engaged or who may engage in domestic violence obstructing the enforcement of the laws and the judicial order approving the right to march along U.S. Highway 80 from

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 3, 2007 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

Selma to Montgomery, Alabama commencing during the period from Mar. 19, 1965 to Mar. 22, 1965 and terminating within 5 days of the commencement to cease and desist therefrom and to disperse forthwith.

**Proc. No. 3795. Obstruction of Justice in the State of Michigan**

Proc. No. 3795, July 26, 1967, 32 F.R. 10905, commanded all persons engaged in domestic violence and disorder in Detroit, Michigan, and obstructing the enforcement of the laws to cease and desist therefrom and to disperse forthwith.

**Proc. No. 3840. Obstruction of Justice in the Washington Metropolitan Area**

Proc. No. 3840, Apr. 9, 1968, 33 F.R. 5495, commanded all persons engaged in acts of violence threatening the Washington Metropolitan Area and obstructing the execution of the laws to cease and desist therefrom and to disperse forthwith.

**Proc. No. 3841. Obstruction of Justice in the State of Illinois**

Proc. No. 3841, Apr. 9, 1968, 33 F.R. 5497, commanded all persons engaged in violence in and about the City of Chicago and obstructing the enforcement of the laws to cease and desist therefrom and to disperse forthwith.

**Proc. No. 3842. Obstruction of Justice in the State of Maryland**

Proc. No. 3842, Apr. 9, 1968, 33 F.R. 5499, commanded all persons engaged in acts of violence and obstructing the enforcement of the laws in and about the City of Baltimore to cease and desist therefrom and to disperse forthwith.

**TITLE 10 - ARMED FORCES**

**Subtitle A - General Military Law**

**PART I - ORGANIZATION AND GENERAL MILITARY POWERS**

**CHAPTER 15 - ENFORCEMENT OF THE LAWS TO RESTORE PUBLIC ORDER**

**§ 335. Guam and Virgin Islands included as “State”**

For purposes of this chapter, the term “State” includes Guam and the Virgin Islands.

(Added Pub. L. 90–497, § 11, Sept. 11, 1968, 82 Stat. 847; amended Pub. L. 96–513, title V, § 511(11)(A), Dec. 12, 1980, 94 Stat. 2920; Pub. L. 109–163, div. A, title X, § 1057(a)(8), Jan. 6, 2006, 119 Stat. 3441.)

**Amendments**

2006—Pub. L. 109–163 struck out “the unincorporated territories of” before “Guam”.

1980—Pub. L. 96–513 inserted “and Virgin Islands” after “Guam” in section catchline and inserted provision respecting applicability to the Virgin Islands.

**Effective Date of 1980 Amendment**

Amendment by Pub. L. 96–513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96–513, set out as a note under section 101 of this title.

**Effective Date**

Section 11 of Pub. L. 90–497 provided that this section is effective on date of enactment of Pub. L. 90–497, which was approved on Sept. 11, 1968.