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# Appeals court allows Trump administration to deploy National Guard in Portland

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A man holds an American flag as law enforcement officers guard the entrance to the ICE ...



A Ninth Circuit Court of Appeals ruling Monday will allow the Trump

administration to deploy National Guard troops in Portland, saying it is likely to succeed on its appeal of an order that blocked the deployment.

The appellate **court ruling** — an important legal victory in a showdown over presidential power that’s happening on multiple fronts — grants the administration’s motion to stay the lower court’s order blocking the deployment while the appeal plays out.

The three-judge panel weighed in after US District Judge Karin Immergut last week **ruled to extend** her temporary restraining order barring the deployment of federal troops to Portland.

Even if Trump exaggerates the severity of Portland’s protests on social media, “this does not change that other facts provide a colorable basis to support the statutory requirements,” the majority said in the ruling.

Two Trump-appointed judges, Ryan D. Nelson and Bridget S. Bade, sided with the administration’s appeal while a third, former President Bill Clinton appointee Judge Susan P. Graber, dissented, saying, “Today’s decision is not merely absurd. It erodes core constitutional principles, including sovereign States’ control over their States’ militias and the people’s First Amendment rights to assemble and to object to the government’s policies and actions.”

The majority’s ruling, from the White House’s point of view, proves the lower court’s decision was incorrect, according to Abigail Jackson, a White House spokesperson.

“As we have always maintained, President Trump is exercising his lawful authority to protect federal assets and personnel following violent riots that local leaders have refused to address,” Jackson said.

The president has cited protests outside Portland's Immigration and Customs Enforcement facility to justify the callups of troops in the deep blue city.

Oregon Attorney General Dan Rayfield will be filing a petition for an en banc rehearing with a larger panel of appellate judges, a spokeswoman for the office said.

“Oregon joins Judge Graber in urging the full Ninth Circuit to ‘act swiftly’ en banc ‘to vacate the majority’s order before the illegal deployment of troops under false pretenses can occur,” Rayfield said in a statement Monday. “And, like her, we ‘ask those who are watching this case unfold to retain faith in our judicial system for just a little while longer.’”



Federal agents clash with anti-ICE protesters at the US Immigration and Customs Enforcement building on October 12 in Portland, Oregon. *(Mathieu Lewis-Rolland/Getty Images)*

Leaders in Oregon have **emphatically disputed** the president’s characterizations of the city as “war-ravaged” and uncontrollably violent, arguing in court the situation on the ground in Portland is nowhere as extreme as federal officials portray it to be.

Protests in Oregon’s biggest city over White House immigration policies started in June, with a declared **riot** and **arson** arrests in mid-summer. The scene was **largely calm** until Trump **declared** in late September he was sending 200 Oregon National Guard troops to the city.

In a **letter sent Friday** to the Defense Department Office of Inspector General, a group of senators, including those from Oregon, asked for an inquiry into recent deployments of National Guard troops across the country.

The senators argued that deployments were “fundamentally un-Constitutional, dangerous for American civil rights” and risk “straining military readiness and resources,” according to the letter.

“We urgently request that you initiate an inquiry into the cumulative effects of these domestic deployments of U.S. active-duty troops and the National Guard—over the objections of state and local officials—on military readiness, resources, personnel, and our military as an institution,” the senators requested.

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The ruling comes as President Donald Trump on Sunday threatened to send the National Guard to San Francisco as his administration continues an effort to crackdown on a growing list of cities it claims to be ridden with crime.

“San Francisco was truly one of the great cities of the world, and then 15 years ago it went wrong, it went woke,” Trump said during an interview with Fox News anchor Maria Bartiromo Sunday.

“We’re going to San Francisco and we’re going to make it great.”

“Nobody wants you here,” California Gov. Gavin Newsom said in a **social media post** in response to Trump’s comments. “You will ruin one of America’s greatest cities.”

The president told Bartiromo the cities he feels are in need of troop deployment are almost exclusively “Democrat-run,” describing them as “unsafe” and “a disaster.” Trump also claimed he could, at any moment, invoke the **Insurrection Act** – a seldom-used law that allows the president to deploy military forces in the US in certain limited situations.

The mobilization of National Guard troops to cities like Chicago, Memphis, Tennessee, and Portland, Oregon, has been met with fierce backlash from residents as well as local and state leaders – including some who have gone so far as to sue the administration.

Federal deployments have also sparked pop-up protests in these cities and helped fuel a second **“No Kings” rally** over the weekend, where millions took part in more than 2,700 events across the country to protest the Trump administration.

Here’s the latest on Trump’s efforts to federalize troops in several US cities:

# San Francisco

Trump toyed with the idea of deploying federal troops to the Bay Area last week when he told FBI Director Kash Patel that San Francisco was among the “great cities that can be fixed.”

“San Francisco neither needs nor wants Trump’s personal army on our streets,” California state Senator Scott Wiener, whose district includes San Francisco, **said on X**. “We don’t need Trump’s authoritarian crackdown in our city. Bottom line: Stay the hell out of San Francisco.”

Trump initially received support from Bay area tech billionaire and Salesforce CEO Marc Benioff, who told the New York Times ahead of his “Dreamforce” AI conference last week, he backed Trump’s troop deployment to the city. But Benioff later backtracked, **saying on X** he does not believe the National Guard is needed to address safety in San Francisco and his comments were made out of “an abundance of caution around the event.”

“I sincerely apologize for the concern it caused,” he said.

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San Francisco Mayor Daniel Lurie has not directly commented on Trump’s comments, but said in a news conference last Friday crime in the city is **down 30%** – the lowest point in decades.

The city has faced a shortage of police officers but recently reported its largest surge of recruits in years, according to the **San Francisco Police**

Department, with 3,375 entry-level applications so far this year, up more than 40% from last year.

For his part, Newsom sued the Trump administration in June over the federalization of the California National Guard to quell protests in Los Angeles and joined a lawsuit in Oregon earlier this month over Trump's attempt to send federalized troops in Los Angeles to Portland to respond to protests there.

## Memphis

A group of seven elected officials in Tennessee filed a lawsuit against the state's governor and attorney general last week, challenging the deployment of the Tennessee National Guard to Memphis at the direction of Trump.



US Army National Guard members assist the Memphis Police Department in the entertainment district, Beale Street, in downtown Memphis, on October 16. *(Karen Pulfer Focht/Reuters)*

“Governor Lee’s deployment violates both the Tennessee Constitution and state statutes, which allow the Guard to be called up only in the event of a rebellion or invasion—and only when the General Assembly declares that public safety requires it,” the officials said in a **statement published** by the National Immigration Law Center.

“No such conditions exist in Memphis today.”

Federal troops were seen in Memphis for the first time on October 10, **the Associated Press reported**, including soldiers accompanied by Memphis police officers patrolling at the Pyramid, an iconic landmark in the city.

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Memphis **Mayor Paul Young**, defended the city, noting crime has fallen by double-digit percentages since last year, but acknowledged the situation is different from efforts to fight the federalization of troops in Portland or Chicago, **CNN affiliate WMC** reported.

“Memphis is different than L.A. and Chicago or Portland in that the governor of Tennessee and the president of the United States made the decision to bring the National Guard and the federal resources to the City of Memphis,” **Young said Wednesday**.

Memphis Police Chief Cerelyn “CJ” Davis said last week she hoped troops would help direct traffic and have a presence in public retail spaces, but not

operate at checkpoints, the AP reported.

“From a public safety standpoint, we’re trying to utilize Guard personnel in non-enforcement types of capacities, so it does not feel like there is this over-militarization in our communities, in our neighborhoods, and that’s not where we’re directing those resources, either,” she said.

## Chicago



Demonstrators protest during the "No Kings" march at Grant Park on Saturday in Chicago. (Joshua Lott/The Washington Post/Getty Images)

Trump last Friday urged the Supreme Court to allow him to **deploy the National Guard in Chicago**, putting the legal fight over his ability to use those troops on American soil before the justices for the first time.

The **emergency appeal** follows a series of decisions from lower federal courts which temporarily blocked the administration's efforts to mobilize troops.

On Thursday, the Chicago-based 7th US Circuit Court of Appeals let stand an order temporarily blocking that effort.

In Trump's appeal, the administration said the lower court order "improperly impinges on the president's authority and needlessly endangers federal personnel and property."

The appeal describes the situation in Chicago as threatening, asserting that federal officials there have been "assaulted, attacked in a harrowing pre-planned ambush involving many assailants."

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Clashes between protesters and law enforcement in Chicago became the focus of courtroom discussions last week with a judge **demanding answers** from federal authorities over violent encounters with protesters.

US District Judge Sara Ellis said recent news reports were leading her to believe the Trump administration was not following her instructions to limit use of force and actions against journalists documenting Chicago protests.

Ellis last week expanded her restraining order, requiring all federal agents with body cameras involved in quelling protests to have them on when encountering demonstrators.

Her order, however, does not require agents to wear body cameras if they're undercover, not in uniform or exempt from Customs and Border Protection, Immigration and Customs Enforcement or Department of Homeland Security policy.

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CNN's John Fritze, Danya Gainor, Bill Kirkos and Josh Campbell contributed to this report.

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