

# Will the US have abandoned any suggestion that it's a d...

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I rarely wake up not worried these days. The threat of fascism is too significant not to do so.

I think it is getting very much more obvious this week. As Edward Luce, hardly a left-wing commentator, [noted in the FT](#) this week:

*At around noon on April 14 2025, America ceased to have a law-abiding government. Some would argue that had already happened on January 20, when Donald Trump was inaugurated. On Monday, however, Trump chose to ignore a 9-0 Supreme Court ruling to repatriate an illegally deported man. He even claimed the judges ruled in his favour. The US president's middle finger to the court was echoed by his attorney-general, secretary of state, [and] vice-president.*

The rule of law in the USA has ended.

Or rather, the rule of law that Trump does not like has ended, which amounts to much the same thing.

I think this is going to get very much worse, very quickly, for two reasons, leading to one consequence.

The first reason is noted [in this Politico article](#):

*A federal judge on Wednesday found probable cause to hold Trump administration officials in criminal contempt for what he said was a "willful disregard" of his order to stop transferring deportees to El Salvador for imprisonment in a notorious maximum security prison.*

*U.S. District Judge James Boasberg found that the government last month rushed to fly two planes carrying hundreds of passengers to the Salvadoran prison in the hours after the judge barred the government from doing so.*

*"The Constitution does not tolerate willful disobedience of judicial orders — especially*

*by officials of a coordinate branch who have sworn an oath to uphold it," Boasberg wrote in a 46-page decision.*

A judge is threatening the administration with allegations that usually result in a custodial sentence: judges do not like being ignored.

Then there is this, [also from Politico](#):

*California Gov. Gavin Newsom is suing Donald Trump over tariffs in an aggressive move to end the president's stranglehold on global commerce.*

*Newsom's lawsuit, announced Wednesday morning with California Attorney General Rob Bonta, is the first challenge from a U.S. state against Trump's signature foreign policy cudgel.*

*California, the world's fifth largest economy, stands to lose billions to tariffs with major state industries from Silicon Valley to agriculture heavily dependent on global trade.*

I do, of course, welcome both these moves. But so too will Trump.

Almost three months ago, he instructed Vice President J D Vance and Defence Secretary Pete Henshaw to consider whether a state of emergency existed in the USA requiring that the President invoke the Insurrection Act of 1807. That [Act says this](#):

**10 U.S.C. §§ 331-335**

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

Whenever there is an insurrection 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.

**Sec. 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.

**Sec. 333. Interference with State and Federal law**

The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it--

(1) so hinders the execution of the laws of that State, and of the United States within the State, 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 are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

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

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

**Sec. 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.

Section 333 appears key here. Trump will, no doubt, consider that the actions of the above-noted judge and Governor Newsom in California to be actions that "so hinders the execution of the laws ... of the United States ... or (2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws" that the Insurrection Act can be invoked.

That creates martial law in the USA.

He does, of course, have to take the Army and National Guard with him on this, but note he can also call up a militia. He may do just that.

This is looking very dangerous, and Vance and Hesgeth are due to report this weekend.

America may have given up all appearance of being a democracy by next week.

Then, begin to expect the disappearances to begin, very quickly.

And meanwhile, Starmer will continue to pursue a trade deal pursuant to our 'special relationship'.