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Contracting the Founders

President Donald Trump, while speaking to our nation's generals and admirals on Tuesday, noted his desire to use dangerous cities "as training grounds for our military." The Oct. 1 editorial "U.S. cities aren't meant to be military training grounds" argued against such an approach. So, too, would the founders of our nation.

When the U.S. Constitution was ratified in 1787, urban crime was already a well-known issue. As early as the 1750s, New York was already regarded as the most crime-ridden city in the colonies, and a contemporary observer noted that, at the time the founders convened in Philadelphia, "the jails were full."

Nonetheless, the Constitution's framers rejected a federal police in their conception of our republic. Rather, except in the most exigent circumstances, states and localities were to police their own populace. As Alexander Hamilton wrote in Federalist No. 17 in 1789: "There is one transcendent advantage belonging to the province of the State governments ... I mean the ordinary administration of criminal and civil justice."

Certainly, the Constitution gives Congress the power of "calling forth the Militia" (what we today refer to as the National Guard). Title 10 of the U.S. Code allows the president to bring the Guard into federal service when the nation is invaded, in danger of invasion or during a rebellion. And the Insurrection Act of 1807 grants the president the power to deploy troops domestically to suppress an insurrection, domestic violence or conspiracy that obstructs law enforcement.

But the president's and Congress's power to do so are not open-ended. Both Title 10 and the Insurrection Act set a high bar for federalizing the guard; engaging in routine law enforcement is illegal and unacceptable. And to further drive home the point, the Posse Comitatus Act of 1878 prohibits the use of federal military personnel to enforce domestic policies.

For nearly 240 years, in times of peace and war, presidents and Congresses have honored the vision of our nation's founders. Trump should reverse course and do the same.

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