18 U.S.C. § 1385 – Use of Army, Navy, Marine Corps, Air Force, and Space Force as posse comitatus

- "Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army, the Navy, the Marine Corps, the Air Force, or the Space Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both."
- The Posse Comitatus Act was signed into law on June 18, 1878.
- The law generally prevents a president from using the military as a domestic police force. It bars federal troops from participating in civilian law enforcement except when expressly authorized by law.
- The law applies only to federal military personnel – not the National Guard when in State Active Duty status or under the authority of the Governor, pursuant to Title 32. It does apply to the National Guard once they are "federalized" and under the command of the president.
- The main statutory exception to the Posse Comitatus Act is the Insurrection Act. Under the Insurrection Act, in response to a state government's request, the president may deploy the military to suppress an insurrection in that state. In addition, the Insurrection Act allows the president (with or without a state government's consent) to use the military to enforce federal law or suppress a rebellion against federal authority in a state or protect a group of people's civil rights when the state government is unwilling to do so. For example, the deployment of the military to support the desegregation of schools in the south in the 1960s.
- The name has its origins in England when a local sheriff would mobilize a group of people to suppress lawlessness. *Posse comitatus* literally means "the power of the county."