

- (3) Members of the armed forces, except members who are not on active duty.
- (4) Customhouse clerks.
- (5) Persons employed by the United States in the transmission of mail.
- (6) Workmen employed in armories, arsenals, and naval shipyards of the United States.
- (7) Pilots on navigable waters.
- (8) Mariners in the sea service of a citizen of, or a merchant in, the United States.

(b) A person who claims exemption because of religious belief is exempt from militia duty in a combatant capacity, if the conscientious holding of that belief is established under such regulations as the President may prescribe. However, such a person is not exempt from militia duty that the President determines to be non-combatant.

(Aug. 10, 1956, ch. 1041, 70A Stat. 15, §312; Pub. L. 100-456, div. A, title XII, §1234(a)(3), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 109-163, div. A, title X, §1057(a)(7), Jan. 6, 2006, 119 Stat. 3441; renumbered §247, Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|----------------------------|-----------------------------|
| 312(a) | 32:3 (less last 67 words). | June 3, 1916, ch. 134, §59, |
| 312(b) | 32:3 (last 67 words). | 39 Stat. 197. |

In subsection (a), the words “Members of the armed forces” are substituted for the words “persons in the military or naval service”. The words “except members who are not on active duty” are inserted to reflect an opinion of the Judge Advocate General of the Army (JAGA 1952/4374, 9 July 1952). The word “artificers” is omitted as covered by the word “workmen”. The words “naval shipyards” are substituted for the words “navy yards” to reflect modern terminology. The words “on navigable waters” are inserted to preserve the original coverage of the word “pilots”. The words “actually” and “without regard to age” are omitted as surplusage.

Editorial Notes

AMENDMENTS

- 2016—Pub. L. 114-328 renumbered section 312 of this title as this section.
- 2006—Subsec. (a)(2). Pub. L. 109-163 substituted “States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands” for “States and Territories, and Puerto Rico”.
- 1988—Subsec. (a)(2). Pub. L. 100-456 substituted “and Puerto Rico” for “Puerto Rico, and the Canal Zone”.

CHAPTER 13—INSURRECTION

- Sec.
- 251.¹ Federal aid for State governments.
- 252.¹ Use of militia and armed forces to enforce Federal authority.
- 253.¹ Interference with State and Federal law.
- 254.¹ Proclamation to disperse.
- 255. Guam and Virgin Islands included as “State”.

Editorial Notes

PRIOR PROVISIONS

A prior chapter 13, consisting of sections 311 and 312, was renumbered chapter 12, and sections 311 and 312 were renumbered sections 246 and 247, respectively.

¹Items numbered 251 to 254 also appear in the analysis for chapter 9A of this title.

AMENDMENTS

- 2016—Pub. L. 114-328, div. A, title XII, §1241(a)(1), (o)(2), Dec. 23, 2016, 130 Stat. 2497, 2512, renumbered chapter 15 of this title “INSURRECTION” as chapter 13, redesignated item 331 “Federal aid for State governments” as item 251, redesignated item 332 “Use of militia and armed forces to enforce Federal authority” as item 252, redesignated item 333 “Interference with State and Federal law” as item 253, redesignated item 334 “Proclamation to disperse” as item 254, and redesignated item 335 “Guam and Virgin Islands included as ‘State’” as item 255.
- 2008—Pub. L. 110-181, div. A, title X, §1068(a)(3), (4)(A), Jan. 28, 2008, 122 Stat. 325, substituted “INSURRECTION” for “ENFORCEMENT OF THE LAWS TO RESTORE PUBLIC ORDER” in chapter heading, added item 333, and struck out former item 333 “Major public emergencies; interference with State and Federal law”.
- 2006—Pub. L. 109-364, div. A, title X, §1076(a)(3), (4)(B), Oct. 17, 2006, 120 Stat. 2405, substituted “ENFORCEMENT OF THE LAWS TO RESTORE PUBLIC ORDER” for “INSURRECTION” in chapter heading and “Major public emergencies; interference with State and Federal law” for “Interference with State and Federal law” in item 333.
- 1980—Pub. L. 96-513, title V, §511(11)(C), Dec. 12, 1980, 94 Stat. 2921, added item 335.

§ 251. 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.

(Aug. 10, 1956, ch. 1041, 70A Stat. 15, §331; renumbered §251, Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

HISTORICAL AND REVISION NOTES

| Revised section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|----------------------------|
| 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.

Editorial Notes

CODIFICATION

Another section 251 was renumbered section 240a of this title.

AMENDMENTS

- 2016—Pub. L. 114-328 renumbered section 331 of this title as this section.

§ 252. 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