

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DISTRICT OF COLUMBIA,

Plaintiff,

v.

DONALD J. TRUMP, *et al.*,

Defendants.

Case No. 1:25-cv-3005

Judge Jia M. Cobb

**AMICUS CURIAE BRIEF OF AMERICA FIRST LEGAL FOUNDATION
IN SUPPORT OF DEFENDANTS**

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IDENTITY AND INTEREST OF *AMICUS CURIAE*¹

Amicus America First Legal Foundation (AFL) is a 501(c)(3) non-profit organization headquartered in Washington, D.C. AFL is dedicated to promoting the rule of law in the United States and defending individual rights guaranteed under the Constitution and federal statutes. None of those rights can be enjoyed, however, where citizens lack the basic guarantees of public safety.

Amicus provides a useful and unique perspective on the preliminary injunction prongs focusing on the public interest and balance of harms. Plaintiff relies heavily on a declaration from Renee Hall, who has apparently never lived or worked in this City. But *Amicus* and its staff know this City and its residents—indeed, AFL is headquartered here. The improvement in the sense of safety in the City over the last few weeks has been palpable. Even the Democratic Mayor disagrees with the City Attorney General’s claim that the challenged actions here have harmed public safety. The City is significantly safer now than it was a month or a year ago, precisely *because* of actions like those challenged in this suit—a suit that the Mayor herself opposed.

For the first time in years, law-abiding citizens feel like they can go walking at night. They don’t constantly have to look over their shoulders. They don’t have to be accosted by vagrants. They don’t have to drive straight into work and straight back home again, fearful of any detour. These are significant public benefits that Plaintiff seeks to upend. The only fear is from a return to the days when public safety—the bedrock obligation of any civilized government—was sacrificed on the altar of politics.

The Court should deny the preliminary injunction.

¹ The undersigned certifies that no party’s counsel authored this brief in whole or in part, and that no party, party’s counsel, or any other person other than *amicus* contributed money that was intended to fund preparing or submitting this brief.

ARGUMENT

The City Attorney General claims that the balance of harms and “public interest tip sharply” in favor of a preliminary injunction. ECF No. 3-1 at 53.² The Court should not credit these claims, which defy common sense, reality, and statistics. It even defies the City’s own Mayor, who has candidly and repeatedly acknowledged the benefits of Defendants’ actions in the City over the last few weeks. As explained below, the public interest and balance of harms strongly favor Defendants.

I. The Public Interest and Balance of Harms Strongly Favor Defendants.

Ask anyone who lives in this City: How many “gunshots, or fireworks?” messages did you see every week? How many stories of friends mugged or houses burgled? Carjackings just down the road? Police crime-scene tape? Refusals to go out at night, or even during the day in some parts of town? Moved to another Metro car because of someone acting suspiciously?

If you’ve lived or worked here for any period of time, it is essentially guaranteed that you, a family member, or a close friend (or all of the above) has been the victim of a serious crime. But it doesn’t have to be like this, and it isn’t like this in places just outside the City. As *The Hill* columnist T. Becket Adams recently put it: “It’s a great city that has long been a punchline. It very obviously has a crime, mental health, and failed leadership problem. Anyone who claims otherwise or says the problem is exaggerated is trying to sell you something. *Ignore them.*”³

A. People in the City Feel Safer and Are Cooperating with Law Enforcement.

The City Attorney General claims that Defendants’ actions “pose[] a high risk of undermining the District’s own law enforcement work” and are “likely to undermine trust in

² Page cites are to the Court-stamped ECF numbers at the top of the page.

³ T. Becket Adams (@BecketAdams), X (Aug. 11, 2025, 5:32 PM), <https://perma.cc/X6YY-T4J8> (emphasis added).

District law enforcement generally.” ECF No. 3-1 at 51-52. The City Attorney General likewise claims that the challenged actions “have given District residents a ‘palpable sense of fear’ and rendered them ‘afraid to go grocery shopping, show up to work and go about their daily lives.’” *Id.* at 52.

The Court should not credit these claims. Trust in law enforcement is increasing. Before recent events, residents regrettably often declined to call police—they felt helpless or feared retaliation. But now people feel they can call to report problems. “[C]ity officials noted that calls for service have increased by 18 percent amid the time of heightened federal law enforcement presence, compared to the same 20-day period last year.”⁴ Mayor Bowser approvingly said, “We don’t know who’s not calling but we do know that a lot of people are calling.”⁵ Far from “undermining the District’s own law enforcement work” or “undermin[ing] trust in District law enforcement,” ECF No. 3-1 at 51-52, Defendants’ actions have been encouraging cooperation between residents and law enforcement.

The City Attorney General also claims that National Guard personnel lack “appropriate training or coordination with MPD, [and thus] they are likely to engage in conduct that ‘could easily result in harm to both civilians and officers.’” *Id.* at 51. But there is no evidence to back up this claim, perhaps because the National Guard routinely works with local law enforcement and government agencies.

The City Attorney General also asserts that people have been “frightened away” by “[t]he unfamiliar presence of armed military patrols.” *Id.* at 52. But the City has long had the largest

⁴ Olivia George & Rachel Siegel, *D.C. Mayor Praises Federal Surge, Angering Residents and Pleasing Trump*, WASH. POST (Sept. 15, 2025), <https://archive.ph/9ABou#selection-1253.14-1259.95>.

⁵ *Id.*

presence of law enforcement of any major city in the country.⁶ Military vehicles, federal agents, street closures, motorcades, lockdowns for days or even weeks at a time during major events: these are all routine occurrences in the City.

Tourists welcome the presence of those who seek to ensure their safety. The photo below was featured on the front page of the country's third-largest print circulation newspaper, captioned "Tourists pose with National Guard troops stationed in Washington, DC."



Meanwhile, the City Attorney General claims tourists are terrified.

Further, as explained below, violent crime is dramatically down, and people have noticed. That has a compounding effect. As Mayor Bowser explained, "We know that when carjackings go

⁶ E.g., Eliana Block, *VERIFY: Does DC Have More Police Per Capita Than Any Other US City?*, WUSA9 (July 15, 2020), <https://perma.cc/MWA2-F9E2>.

down, when use of guns goes down, when homicide or robbery go down, neighborhoods feel safer and are safer. So, this surge has been important to us for that reason.”⁷ Again, it is Plaintiff, not Defendants, who seek to disrupt the public’s peace of mind.

B. Violent Crime Is Dramatically Down.

The City Attorney General asserts that the challenged actions here “pose an immediate risk of serious public safety harms.” ECF No. 3-1 at 52. That is also demonstrably incorrect.

NBC News recently had a special report on the number of carjackings in the City, “a particularly brutal crime” that “often causes lasting psychological damage.”⁸ As the report explained, this crime is disproportionately committed by juveniles who are often released quickly and reoffend, leaving a trail of victims in their wake. But in the month of August 2025, there were only 10 carjackings in the City, and 6 of those were before federal control.⁹ The last time the City had 10 or fewer carjackings in a month was March of 2020—the last month before COVID-19 and summer protests led to a massive surge in certain crimes. To put that in perspective, here are the carjacking numbers from the month of August back to 2020:

August 2020: 43 carjackings
August 2021: 49 carjackings
August 2022: 40 carjackings
August 2023: 88 carjackings
August 2024: 39 carjackings
August 2025: 10 carjackings¹⁰

⁷ Gary Fields, Associated Press, *4 Takeaways from Trump’s Federal Law Enforcement Surge in D.C. as His Emergency Order Expires*, PBS NEWS (Sept. 10, 2025), <https://perma.cc/T5EY-G4MM>.

⁸ Rich Schapiro, *Carjacked in the Capital: The ‘Crime of the Pandemic’ Is Still Roiling D.C.*, NBC NEWS (Aug. 24, 2025), <https://perma.cc/F88S-Y4BN?type=image>.

⁹ DC Police Union (@DCPoliceUnion), X (Sept. 1, 2025, 1:13 PM), <https://perma.cc/5NHC-YVW3>.

¹⁰ DC Police Union (@DCPoliceUnion), X (Sept. 1, 2025, 1:13 PM), <https://perma.cc/KDN9-VUFP>.

But carjackings tell only one part of the story here. CBS News recently undertook an extensive review and concluded:

In the nearly three weeks since President Trump deployed federal troops and law enforcement agents throughout Washington, D.C., a CBS News analysis of crime data shows *violent crime is down in Washington by almost half* when compared to the same 19 days in 2024. The analysis, reviewing every crime incident reported to the District of Columbia's Metropolitan Police Department from Aug. 7 through Aug. 25, also shows *violent crime is down in comparison to the five-year average for the same dates*. Beyond violent crime, reported burglaries also are down 48% and car thefts have fallen 36%.¹¹

Refuting the online false narratives, CBS News reported that federal law enforcement agents were primarily deployed to “areas with higher – and often much higher – rates of crime, violent crime and gun crime than the average neighborhood across the city.”¹² And the statistics prove what happens when federal officials make their presence known in high-crime areas. *Every major category of crime is down, often dramatically so:*

From Aug. 7 through Aug. 25, most major crime categories in Washington fell compared with the same period in 2024. Combined violent crime dropped 49%, from 180 to 92 incidents, while other categories such as robbery and burglary also saw significant declines, according to CBS News analysis of MPD data.

Assault



Burglary



Homicide

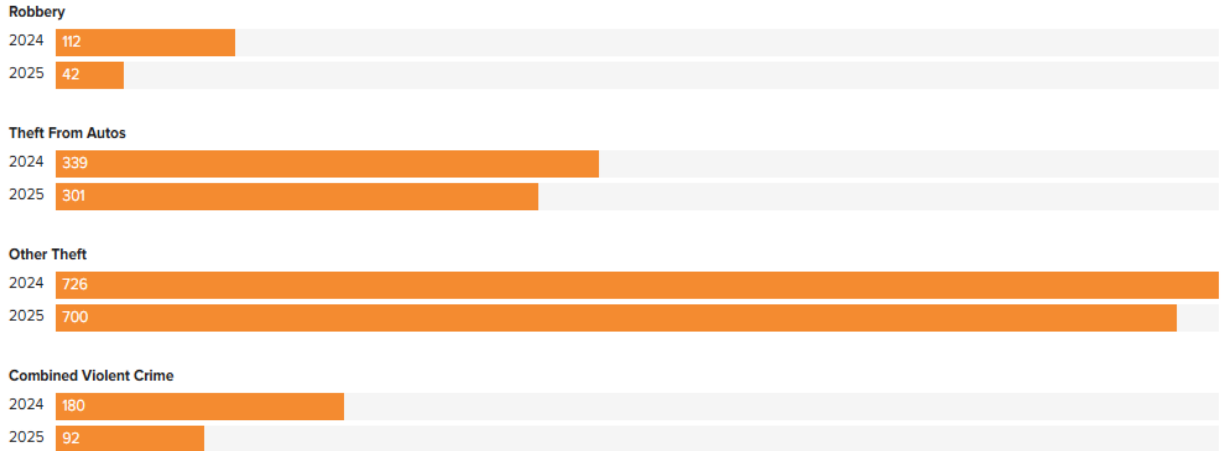


Motor Vehicle Theft



¹¹ John Kelly et al., *CBS News Analyzed D.C. Crime Data Amid National Guard Deployments. Here's What the Numbers Show*, CBS NEWS (Aug. 27, 2025), <https://perma.cc/37UQ-58VT> (emphases added).

¹² *Id.*



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Every one of those lines represents real people, real victims; and the numbers should still be lower. But these charts confirm the City Attorney General is flat wrong to claim that Defendants’ actions are undermining safety. How many people owe their lives and sense of safety to the reduction just from the last few weeks?

There is the strongest possible public interest in “preventing the community from being disrupted by violent disorders endangering both persons and property.” *Branzburg v. Hayes*, 408 U.S. 665, 701 (1972). It is the City Attorney General’s actions—not Defendants’—that threaten to upend this extraordinary public interest in safety.

C. Even the Mayor Agrees: Defendants’ Actions Have Dramatically Reduced Crime.

The Court should not lose sight of the fact that despite bringing suit in the name of “The District of Columbia,” the claims here do not reflect those of the entire city, or even the Mayor herself, who has acknowledged that “the increase in federal law enforcement contributed to ‘an extreme reduction in carjackings’ and a decrease in gun crimes and homicides,” adding that

¹³ *Id.*

because of Defendants' actions, she "think[s] that there's more accountability in the system, or at least perceived accountability in the system, that is driving down illegal behavior."¹⁴

The Mayor also recently signed a new Executive Order to ensure continuing cooperation between the City and federal officials.¹⁵ This shows that the Mayor is willing and capable of working with the White House, and those efforts should not be undermined because the City Attorney General decided to bring this suit, especially given the reports that the Mayor tried to persuade the City Attorney General not to sue.¹⁶ The City Attorney General does not represent the City's best interests or reflect its residents' concerns when he cannot convince even the long-sitting Mayor to join his demands.

Respectfully, this dispute is best handled through the political process, not through judicial action sought by a local politician against the wishes of the City's Mayor.

* * *

Granting preliminary relief would upend demonstrable public benefits and safety, and throw a wrench into the balance struck by the Mayor and the White House. The City Attorney General's pursuit of this suit does not benefit those who live and work here. The Court should deny relief.

¹⁴ Max Rego, *Bowser Says Federal Police Surge Has Reduced Crime in D.C., but 'North Star' Is Protecting City's Autonomy*, CNN (Aug. 28, 2025), <https://archive.ph/owIGo>.

¹⁵ Mayor's Order 2025-090, *Creation of the Safe and Beautiful Emergency Operations Center* (Sept. 2, 2025), <https://perma.cc/5S6B-9GTN>.

¹⁶ Cuneyt Dil, *Scoop: D.C. Mayor Urged AG Against Raising Tensions With Trump, Suing Over National Guard*, AXIOS D.C. (Sept. 4, 2025), <https://archive.ph/nJW0f>.

CONCLUSION

This Court should deny Plaintiffs' motion for a preliminary injunction.

September 16, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this date, the foregoing was filed electronically with the Court's electronic filing system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

Respectfully submitted,

/s/ R. Trent McCotter

R. Trent McCotter