

No. 25-5418

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

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DISTRICT OF COLUMBIA,  
*Plaintiffs-Appellee*

v.

DONALD J. TRUMP, in his official capacity as  
President of the United States, *et al.*,  
*Defendants-Appellants*

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**BRIEF OF *AMICUS CURIAE* SOUTH CAROLINA,  
WEST VIRGINIA, AND 22 ADDITIONAL STATES IN SUPPORT  
OF STAY PENDING APPEAL**

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Appeal from the U.S. District Court for the  
District of Columbia District Court  
Case No. 1:25-cv-03005-JMC

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## **INTEREST OF *AMICI CURIAE***

*Amici* are 24 States who support President Trump's lawful efforts to make the District of Columbia safer. *Amici* send Senators, Representatives, and officials to the District. Their Citizens travel there to visit the sights and petition the Government. And some of the *amici* States have sent their own National Guard troops to the District to advance President Trump's mission of making the District safer. *Amici* thus have a profound interest in the outcome of this case and in the safety and security of our Nation's capital.

## **INTRODUCTION**

The District of Columbia is the Seat of America's National Government and the house of all three of its branches. U.S. CONST. art. I, § 8, cl. 17. Safety, security, and domestic tranquility in D.C. are critical, not only to the good people of the District, but to the functioning of the United States. The American People rely on the effective operation of their Government, which in turn depends on the safety of elected representatives and officials who carry out the popular will. The American People travel from all over the country to Washington, every day, to visit its historic sites and exercise their First Amendment right to petition the Government. *See* U.S. CONST. amend. I. The District belongs to "the People" as a whole, and its safety is critical to our constitutional republic.

For the last few years, however, crime in D.C. has surged—putting that safety in serious jeopardy. Rampant carjackings, robberies, murders, and overall violence have impeded the operations of government and endangered the lives of civilians and government employees alike.

Four months ago, President Trump acted swiftly and effectively. Using his constitutional and statutory authority, President Trump deployed the National Guard to safeguard the City. This mission has already produced strong results, but still more work must be done, and danger still lingers. Just last week, an Afghani national committed a heinous terror attack, shooting two National Guardsmen at close range and murdering one.

Despite the necessity and legality of President Trump's actions, the district court below issued a sweeping Injunction that usurps the President's constitutional power as Commander-in-Chief and imperils our Nation's capital at a critical time.

This Court should stay the Injunction. Not only is the President likely to succeed on the merits, but the equities weigh heavily in favor of a stay. Although the D.C. Attorney General filed this lawsuit in the District's name, the Mayor of D.C., other officials, and residents have welcomed these activities. They recognize that the deployment has decreased crime, and they support President Trump's mission. Moreover, the D.C. Attorney General



will not be prejudiced by a stay, as nothing suggests that the Guard's support has undermined local law enforcement; just the opposite. If the Injunction goes into effect, it will harm the American People and residents of D.C., and it will impede the operation of Government and Presidential power.

## **ARGUMENT**

### **I. THE EQUITIES WEIGH HEAVILY IN FAVOR OF A STAY, AS THE INJUNCTION USURPS PRESIDENTIAL POWER AND ENDANGERS D.C. CITIZENS AND THE GOVERNMENT**

#### **A. Securing the District Is the President's Constitutional Responsibility and Vital to a Functioning Republic**

The Founders recognized the need to designate a special District as “the Seat of the Government of the United States.” U.S. CONST. art. I, § 8, cl. 17. In July 1790, Congress passed “An Act for establishing the temporary and permanent seat of the Government of the United States,” 1st Cong., sess. II, ch. XXVIII, 1 Stat. 130 (1790), setting the “permanent seat” of the Nation’s government “on the river Potomac at some place between the mouths of the Eastern Branch and Connogochegue.” *Id.* at § 1. Washington, D.C. is now not only our Nation’s capital, but the “very heart [ ] of the Union itself,” *O’Donoghue v. United States*, 289 U.S. 516, 539 (1933), and the abiding home of all three branches of our federal government. Without a safe and secure capital, our Nation cannot function or thrive.

For those reasons, the Constitution places authority over the District, not into the hands of a small group of residents, but into the federal government, which represents all Americans. Congress “exercise[s] exclusive Legislation in all Cases whatsoever, over such District.” U.S. CONST. art. I, § 8, cl. 17. As James Madison explained, the responsibility for the safety of the District was “too great a public pledge to be left in the hands of a single State.” THE FEDERALIST NO. 43 (James Madison) (Project Gutenberg ed. 2021).

The Constitution also vests the Executive power in one President and requires him to “take Care that the Laws be faithfully executed.” U.S. CONST. art. II, § 1, cl. 1. Because the Executive branch and its 15 Cabinet departments, 50 independent federal commissions, numerous agencies, and 150,000+ of its officers are housed in Washington D.C., the President cannot carry out his constitutional obligations if his officials are imperiled or are scared away from serving government. As President George Washington observed in 1792, “it is my duty to see the Laws executed: to permit them to be trampled upon with impunity would be repugnant to” that duty. Letter from George Washington to Alexander Hamilton (Sep. 7, 1792).<sup>1</sup>

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<sup>1</sup> <https://founders.archives.gov/documents/Washington/05-11-02-0040> (last visited Dec. 1, 2025).

Beyond enforcing federal law, the President has other duties in the Nation's capital that depend on a secure D.C. For example, the President must provide information on the "State of the Union" from "time to time," U.S. CONST. art. II, § 3, cl. 1, which has traditionally been done by traveling down Pennsylvania Avenue to the United States Capitol Building to address Congress. The President also "shall receive Ambassadors and other public Ministers" within the District to carry out his critical power over foreign policy and military affairs. *Id.* Both of those powers would be hindered if the President could not ensure a safe and secure capital.

**B. Crime Has Exploded in Our Capital, Hurting Residents and Hindering the Federal Government**

For decades, but especially in the last few years, politicians have disregarded their duty to the District's residents and the American People. Rather than help government strengthen our capital, they chose soft-on-crime politics. In the face of dangerous crime waves, they not only stood by idly but exacerbated the problem. Indeed, this lawsuit does not serve the interests of any Americans but is instead part of an aggressive, misguided political opposition to President Trump. *See Myerson v. United States*, 98 A.3d 192, 197 (D.C. Cir. 2014) (construing D.C. Code § 1-206.02(a)(3) to prevent the District from implementing policies that "impact the federal government's ability to operate").

Although D.C. has had substantial crime waves in the past, the most recent problems can be traced back to the defund-the-police movement. In 2020, notwithstanding high crime and murder rates, the District’s Council “sanctioned a \$15 million cut in police funding.”<sup>2</sup> The District’s Deputy Mayor for Public Safety and Justice, Kevin Donahue, strongly advised against that policy, as those budget cuts would “not make D.C. safer or stronger.”<sup>3</sup> The Council cut the police budget anyway. Moreover, the D.C. U.S. Attorney’s office—with support of some segments of the local government—prosecuted more police officers during Biden’s presidency than it had for the prior thirty years combined, often under novel legal

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<sup>2</sup> Konner McIntire & Janae Bowens, *Fact Check Team: Cities that called to ‘defund police’ grappling with crime surge boost police funding amid staffing shortfalls*, abc 33/40 NEWS (Aug. 15, 2023, at 7:02 PM), <https://abc3340.com/news/nation-world/fact-check-team-cities-that-called-to-defund-police-grappling-with-crime-surge-boost-police-funding-amid-staffing-shortfalls-washington-dc-baltimore-los-angeles-new-york-george-floyd-police-reform-public-safety-mental-health-social-services> (last visited Dec. 1, 2025).

<sup>3</sup> Fenit Nirappil & Peter Hermann, *D.C. activists and lawmakers confront challenges of ‘defund police’ movement*, The Wash. Post (June 25, 2020), [https://www.washingtonpost.com/local/dc-politics/dc-police-cuts/2020/06/25/dacffoe2-b6f2-11ea-a510-55bf26485c93\\_story.html](https://www.washingtonpost.com/local/dc-politics/dc-police-cuts/2020/06/25/dacffoe2-b6f2-11ea-a510-55bf26485c93_story.html) (last visited Dec. 1, 2025).

theories.<sup>4</sup> Predictably, the budget cuts and prosecutions deflated police morale and dissuaded them from doing their jobs.

The painful results of these policies were inevitable. Crime surged in the District, and by 2023 violent crime had risen thirty-seven percent over the previous year, while homicides had risen twenty-five percent.<sup>5</sup> This crime wave not only harmed residents who live and work in the District, but also government officials, congresspeople, staffers, and foreign embassy workers, who have endured assault, robberies at gunpoint, and even murder. Every violent attack against those individuals is not only a tragedy for them and their families but also for the functioning of the federal government.

Crime against government officials occurs regularly. Just last week, two Guardsmen were attacked and shot in northwest D.C. As of this writing, one Guardsmember, Army Spc. Sarah Beckstrom, succumbed to her injuries, while the other, Air Force Staff Sgt. Andrew Wolfe, remains in critical condition.<sup>6</sup> In March of this year, a pro-Hamas and anti-Israel protestor

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<sup>4</sup> Spencer S. Hsu, *D.C. officer's murder case stokes debate over U.S. police prosecutions*, The Wash. Post (Sep. 9, 2024), <https://www.washingtonpost.com/dc-md-va/2024/09/09/dc-police-prosecutions-us-attorney/> (last visited Dec. 1, 2025).

<sup>5</sup> See McIntire & Bowens, *supra* n.2.

<sup>6</sup> Kerry Breen, Faris Tanyos, and Caroline Linton, *D.C. National Guard shooting live updates as murder investigation probes suspect's background*, CBS News (Dec. 1, 2025, at 5:45 PM EST), <https://www.cbsnews.com/live->

murdered an innocent Israeli embassy staffer and his bride-to-be, right outside the Capital Jewish Museum.<sup>7</sup> In July, a 21-year-old congressional intern was murdered near the intersection of 7th and M Street NW.<sup>8</sup> In August, a Trump administration was assaulted and severely beaten during a carjacking less than one mile from the White House.<sup>9</sup> In 2024, a congressional legislative director was robbed at gunpoint during a spate of robberies, as were eleven others in the Capitol Hill area, and several others were targeted in a Naval Yard robbery spree.<sup>10</sup> In 2023, a man attacked

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updates/dc-national-guard-shooting-investigation-murder/ (last visited Dec. 1, 2025).

<sup>7</sup> Pierre Thomas et al., *2 Israeli Embassy staffers killed in ‘act of terror’ in Washington, DC*, abcNEWS (May 22, 2025, at 5:45 PM), <https://abcnews.go.com/US/2-shot-fbi-field-office-washington-dc/story?id=122059162> (last visited Dec. 1, 2025).

<sup>8</sup> Doc Louallen, *Congressional intern killed in Washington, DC shooting: Officials*, abcNEWS (July 3, 2025, at 2:20 PM), <https://abcnews.go.com/US/umass-student-house-intern-dies-washington-dc-shooting/story?id=123429541> (last visited Dec. 1, 2025).

<sup>9</sup> Isabel van Brugen, *Photos Show POI Over Attack on DOGE Worker ‘Big Balls’*, Newsweek (Aug. 11, 2025, at 7:50 AM EDT), <https://www.newsweek.com/photos-show-poi-big-balls-attack-doge-worker-dc-police-2111587> (last visited Dec. 1, 2025).

<sup>10</sup> Peter Hermann, *Congressional staffer among victims targeted in spate of D.C. robberies*, The Wash. Post (Dec. 5, 2024), <https://www.washingtonpost.com/dc-md-va/2024/12/04/robberies-dc-capitol-hill/> (last visited Dec. 1, 2025); Christopher Harris, *Congressmen condemn DC crime after staffers targeted in Navy Yard robbery spree*, FOX5 (June 11, 2024, at 10:23 PM EDT),

Representative Angie Craig in her D.C. apartment, after he followed her into an elevator and trapped her.<sup>11</sup> After the attack, Craig received death threats and was forced to move to protect her safety.<sup>12</sup> Representative Henry Cuellar was also carjacked that year,<sup>13</sup> and another staffer was robbed at gunpoint.<sup>14</sup>

The crime had gotten so bad that as of 2023, the District's Democratic Mayor, Muriel Bowser, had "advocated for increased police presence." McIntire & Bowens, *supra* n.2. District Councilmember Trayon White, also a Democrat, "even called for National Guard assistance." *Id.*

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<https://www.fox5dc.com/news/congressmen-condemn-dc-crime-after-staffers-targeted-navy-yard-robbery-spree> (last visited Dec. 1, 2025).

<sup>11</sup> Holmes Lybrand, *Man who attacked Rep. Angie Craig in DC apartment building sentenced to 27 months in prison*, CNN (Nov. 16, 2023, at 2:41 PM EST), <https://www.cnn.com/2023/11/16/politics/angie-craig-attacker-sentenced> (discussing the attack of U.S. Rep. Angie Craig) (last visited Dec. 1, 2025).

<sup>12</sup> *Id.*

<sup>13</sup> Edgar Sandoval & Campbell Robertson, *Congressman Becomes Latest Carjacking Victim as D.C. Crime Continues to Rise*, N.Y. Times (Oct. 3, 2023), <https://www.nytimes.com/2023/10/03/us/politics/cuellar-car-theft.html> (last visited Dec. 1, 2025).

<sup>14</sup> Andrea Swalec, *Congressional staffer assaulted in DC gunpoint robbery attempt: police*, NBC Washington (June 17, 2023, at 9:44 AM), <https://www.nbcwashington.com/news/local/congressional-staffer-assaulted-in-dc-gunpoint-robbery-attempt-police/3368812/> (last visited Dec. 1, 2025).

**C. In the Few Months Since the Executive Orders, President Trump and National Guard Troops Have Made the Capital Safer**

“[D]espite initial skepticism” from some D.C. residents, President Trump’s deployment of National Guard troops in the District has caused crime rates to drop substantially.<sup>15</sup> Murder rates over the last two months have dropped significantly as compared to earlier in the year before the troops were deployed.<sup>16</sup> As of August 20, 2025, only nine days after National Guard troops were first deployed, D.C. went seven days without a homicide, for the first time “in a long time.”<sup>17</sup> Carjackings decreased by eighty-three percent, robberies by forty-six percent, car thefts by twenty-one percent, and overall violent crime by twenty-two percent. *Id.* Federal law enforcement in the District has resulted in the arrest of twenty suspected gang members, including members of the notably dangerous gangs MS-13 and Tren De Aragua.<sup>18</sup> More than two hundred illegal firearms have been taken off the

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<sup>15</sup> Jeff Abell, *National Guard’s presence slashes D.C. crime rates, with seven days homicide-free*, FOX45 NEWS (Aug. 20, 2025, at 11:10 PM), <https://foxbaltimore.com/newsletter-daily/national-guards-presence-slashes-dc-crime-rates-with-seven-days-homicide-free> (last visited Dec. 1, 2025).

<sup>16</sup> *CrimeData | DC*, <https://www.crimedatadc.com/todate/homicide> (last visited Dec. 1, 2025).

<sup>17</sup> *Id.*

<sup>18</sup> Gary Fields, *4 takeaways from Trump’s federal law enforcement surge in D.C. as his emergency order expires*, PBS News (Sep. 10, 2025, at 11:46 AM



streets. *Id.* National Guard troops have stopped at least one fight near the metro, helped provide first aid to elderly residents of the district, and aided in the successful search for a missing child.<sup>19</sup>

Shortly after troops were deployed, the District's Democratic Mayor, Muriel Bowser, acknowledged the sharp decline in crime and expressed her appreciation for "the surge of officers that enhance what [the Metropolitan Police Department] has been able to do in this city."<sup>20</sup> According to the Mayor's recent order, "violent crime in the District has noticeably decreased." Mayor's Order 2025-090, "Creation of the Safe and Beautiful Emergency Operations Center" (Sept. 2, 2025), at 2. Mayor Bowser's comments and order refute the Plaintiff's claim that the National Guard troops are undermining local law enforcement. The President's policy does not supplant but instead *supports* the existing law enforcement framework.

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<sup>19</sup> Helene Cooper and Eric Schmitt, *For National Guard Troops in D.C., It's Trash Pickup and Metro Patrols*, The N.Y. Times (Sept. 11, 2025, at 2:33 PM ET), <https://www.nytimes.com/2025/09/11/us/politics/trump-national-guard-troops-dc.html> (last visited Dec. 1, 2025).

<sup>20</sup> Rebecca Shabad, *Mayor Muriel Bowser says Trump's Surge of federal law enforcement has lowered crime in D.C.*, NBC NEWS (Aug. 27, 2025, at 3:57 PM EST), <https://www.nbcnews.com/politics/politics-news/bowser-trump-police-takeover-lower-dc-crime-national-guard-ice-rcna227582> (last visited Dec. 1, 2025).

As part of supporting law enforcement, troops have worked on beatification projects to clean up neighborhoods. In October, the National Guard reported clearing trash, spreading mulch, and removing plant waste.<sup>21</sup> This type of work supports the efforts to prevent crime by ensuring that those neighborhoods are not “recognized as invitations to violent and property crimes.”<sup>22</sup>

The results of the temporary deployment of National Guard troops in support of the Metropolitan Police Department will be long-lasting. On September 2, 2025, two days before the District filed this lawsuit, Mayor Bowser issued Mayor’s Order 2025-090. The Mayor’s Order formally acknowledged the positive impact of the National Guard troops on reduction of crime in the District. Mayor’s Order 2025-090 at 2 (“[V]iolent crime in the District has noticeably decreased.”). The Mayor’s Order also establishes a Safe and Beautiful Emergency Operations Center “to manage the District’s

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<sup>21</sup> Konstantin Toropin, *DC National Guard deployment in the nation’s capital is extended to Feb. 28*, The Associated Press (Nov. 5, 2025), <https://apnews.com/article/national-guard-trump-deployment-washington-cbae3a840cec29bod361413fbe162e14> (last visited Dec. 1, 2025).

<sup>22</sup> *Reducing Urban Blight as Crime Prevention Strategy*, University of Michigan Youth Violence Prevention Center, <https://yvpc.sph.umich.edu/reducing-urban-blight-crime-prevention-strategy/> (last visited Dec. 1, 2025).

response to the Task Force, the Presidential declaration of emergency and on a continuing basis.” *Id.*

Thanks to the President’s decision-making during exigent circumstances to get the acute crime problem in the District under control, the National Guard troops have created a sustainable situation that can be turned over to the District to manage in the long-term.

### **CONCLUSION**

For these reasons, the Court should stay the Injunction pending appeal.

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I HEREBY CERTIFY that on December 2, 2025, I electronically filed the foregoing with the Clerk of Court by using the Court's CM/ECF system, which will send a notice of electronic filing to all parties in the case who are registered through CM/ECF.

/s/ Jason Torchinsky  
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