

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA,

Plaintiff,

v .

DONALD J. TRUMP, et al.

Defendants.

Civil Action No. 1:25-cv-03005

**BRIEF OF *AMICUS CURIAE* LEGAL DEFENSE FUND IN SUPPORT OF PLAINTIFF
DISTRICT OF COLUMBIA'S MOTION FOR PRELIMINARY INJUNCTION**

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INTEREST OF *AMICUS CURIAE*¹

The NAACP Legal Defense & Educational Fund, Inc. (“LDF”) is the nation’s first and foremost civil rights legal organization. Through litigation, advocacy, public education, and outreach, LDF strives to secure equal justice under the law for all Americans, and to break down barriers that prevent Black people in the United States from realizing their basic civil and human rights.

LDF is especially concerned with policing policies and practices that target and disproportionately harm communities of color, especially Black people. Since 2015, LDF’s Justice in Public Safety Project has worked to address issues of unconstitutional police practices, to end police violence against people of color, and to eliminate racial bias and profiling by police in order to foster confidence and trust in our public institutions. LDF has served as counsel of record or *amicus curiae* in multiple cases challenging such issues. *See, e.g., Tennessee v. Garner*, 471 U.S. 1 (1985); *Davis v. City of New York*, No. 1:10-cv-00699 (S.D.N.Y. filed Jan. 28, 2010); *Md. Dep’t of State Police v. Md. State Conf. of NAACP Branches*, 430 Md. 179 (2013); *Tolan v. Cotton*, 572 U.S. 650 (2014); *People v. Hill*, 33 N.Y.3d 990 (2019); *Commonwealth v. Evelyn*, 485 Mass. 691 (2020); *Smith v. City of Philadelphia*, No. 2:20-cv-03431 (E.D. Pa. filed July 14, 2020); *Scott v. Louisville/Jefferson Cnty. Metro Gov’t*, No. 3:20-cv-00535 (W.D. Ky. filed July 30, 2020); *United States v. Weaver*, 9 F.4th 129 (2d Cir. 2021); *Uniformed Fire Officers Ass’n v. de Blasio*, 846 F. App’x 25 (2d Cir. 2021); *Leaders of a Beautiful Struggle v. Balt. Police Dep’t*, 2 F.4th 330 (4th Cir. 2021); *Torres v. Madrid*, 592 U.S. 306 (2021); *Plaintiffs 1-3 v. City of New York*, No. 1:25-

¹ Pursuant to Local Civil Rule 7(o)(5), no party or counsel to any party in this matter authored this brief in part or in whole, no party or counsel to any party in this matter contributed money intended to fund the preparation or submission of this brief, and no person other than *amicus* contributed money intended to fund the preparation or submission of this brief.

cv-02397 (E.D.N.Y. filed April 30, 2025); *Andre v. Clayton County*, No. 23-13253, 2025 WL 2371780 (11th Cir. Aug. 15, 2025); *People v. Armstrong*, No. 165233, 2025 WL 994370 (Mich. June 3, 2025); *Union v. City of Rochester*, 43 N.Y.3d 543 (2025); *Barnes v. Felix*, 605 U.S. 73 (2025).

Given its extensive experience and expertise litigating issues pertaining to racially discriminatory law enforcement policies and practices, LDF submits this *amicus curie* brief to assist the Court in the adjudication of Plaintiff's motion for a preliminary injunction.

INTRODUCTION

Over 2,000 National Guard troops in the District of Columbia (the “District” or “D.C.”) are patrolling the streets and stoking fear, particularly among Black residents. Over half of these troops are from out-of-state—from Mississippi, Louisiana, Ohio, Tennessee, South Carolina and West Virginia.² They have been deployed to the District without the Mayor's consent, and have no local knowledge of the District's criminal laws or the public safety needs of its residents. The purported reason for their deployment is to “restore law and order to our nation's capital and ensure safety for all who live, work, and visit there.”³ But violent crime in D.C. has been declining for decades and is currently at its lowest rate in 30 years.⁴

Communities of color have historically borne, and continue to bear, the physical and psychological costs of aggressive policing, especially when militarized tactics are used. Indeed,

² *At least 5 States Are Deploying National Guard Troops to D.C.*, CBS News (Aug. 19, 2025), <https://www.cbsnews.com/news/west-virginia-to-deploy-hundreds-of-national-guard-troops-to-d-c/>.

³ Press Release, Off. of the Governor of S.C., Gov. Henry McMaster Authorizes Deployment of National Guard to Washington, DC (Aug. 16, 2025), <https://governor.sc.gov/news/2025-08/gov-henry-mcmaster-authorizes-deployment-national-guard-washington-dc>.

⁴ *Violent Crime in D.C. Hits 30 Year Low*, U.S. Atty's Off., D.C. (Jan. 3, 2025), <https://www.justice.gov/usao-dc/pr/violent-crime-dc-hits-30-year-low>.

there is a long history of racialized militarized policing in the United States, and the current surge in National Guard troops is an extension of that history. The data is also clear that the deployment of thousands of National Guard troops will be ineffective in reducing crime and violence. To the contrary, the presence of armed military makes D.C. residents, especially Black residents, feel less safe and undermines the local public safety infrastructure. Accordingly, the Court should grant the District’s motion for a preliminary injunction.

ARGUMENT

I. Militarized Policing Has a Long History of Racialized Violence Against Black People.

“Militarized policing,” or police militarization, refers to local law enforcement’s adoption of equipment, attire, tactics, and/or organizational structures developed for violent conflict.⁵ In today’s age, it can involve arming civilian police with weapons of war, “ranging from M-16 assault rifles, riot gear, and body armor to tanks, grenade launchers, and armored vehicles,”⁶ which can escalate—rather than deescalate—moments of tension and unrest. Importantly, for this case, militarized policing carries with it a military mindset, where the aim is to fight foreign enemies in combat, not to protect and serve local community members.

Throughout the history of policing in the United States, law enforcement officers have consistently engaged in militaristic tactics that have abused, harmed, and even killed the very people they are sworn to protect. Moreover, due to the racist origins of American policing and the racialization of crime, the victims of militarized policing have disproportionately been Black people. These concerns with racially-biased policing necessarily arise when the National Guard

⁵ Jonathan Mummolo, *Militarization of Police Fails to Enhance Safety But May Harm Police Reputation*, PNAS (Aug. 21, 2018), <https://doi.org/10.1073/pnas.1805161115>.

⁶ Abigail R. Hall and Christopher J. Coyne, *The Militarization of U.S. Domestic Policing*, 17 *Indep. Rev.* 485, 486 (2013).

serves in a law enforcement capacity. Though charged with supporting local and federal law enforcement, the National Guard troops in the District are members of the military and retain their military markers.⁷ The deployment of the National Guard in D.C. thus raises concerns about the potential of inflicting harm to Black people, whom history repeatedly has shown to be targets of militarized policing.

The origins of military-style law enforcement in the United States trace back to slave patrols, tasked with “chas[ing] down [and] apprehend[ing]” formerly enslaved persons through physical and psychological violence.⁸ The slave patrols originated from colonial militias, established to defend American colonies from external attacks.⁹ By the early eighteenth century, these militias eventually transitioned into internal security forces, tasked with quelling slave revolts and policing enslaved populations.¹⁰ Southern colonies conferred broad powers to slave patrols, including the authority to enter the home of any person they suspected was helping enslaved persons escape.¹¹ The patrols were armed with guns, whips, and ropes that were used to injure, capture, and return enslaved individuals to their enslavers, assuming the patrollers did not kill them in the pursuit.¹² The violent tactics of these militia-based, slave patrols also were adopted

⁷ Mosheh Gains & Nnamdi Egwuonwu, *National Guard Troops in D.C. Begin Carrying Firearms*, NBC News (Aug. 25, 2025), <https://www.nbcnews.com/politics/politics-news/national-guard-troops-dc-begin-carrying-firearms-rcna226890>.

⁸ *Slave Patrols: An Early Form of American Policing*, Nat’l L. Enf’t Officers Mem’l Fund, <https://nleomf.org/slave-patrols-an-early-form-of-american-policing/> (last visited Sept. 15, 2025).

⁹ Philip L. Reichel, *Southern Slave Patrols as a Transitional Police Type*, 7 Am. J. Police 51, 57–58 (1988).

¹⁰ *Id.*

¹¹ Nadia Banteka, *Police Vigilantism*, 110 Va. L. Rev. 1439, 1448–49 (2024).

¹² Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* 122–24 (2003).

by white supremacy groups like the Ku Klux Klan and some local police enforcing Jim Crow laws.¹³

In the 1960s, civil rights uprisings occurred in Black communities across the country, including the Watts neighborhood of Los Angeles in 1965 and Detroit in 1967, and widespread unrest occurred in response to the assassination of Dr. Martin Luther King, Jr. in 1968.¹⁴ According to the National Advisory Commission on Civil Disorders, established by President Johnson in 1967, this civil unrest was triggered by “discrimination in policing practices, the justice system, and consumer credit practices, inadequate housing and public assistance programs, high unemployment, and the exclusion of communities of colors from the democratic process.”¹⁵ The Commission famously warned that “Our nation is moving toward two societies, one black, one white—separate and unequal.”¹⁶

Yet, rather than addressing the root cause of these uprisings, federal, state and local law enforcement turned to military tactics to suppress acts of protest against ongoing racial discrimination. For example, in 1967, the Federal Bureau of Investigation (“FBI”) published a report that referred to Dr. Martin Luther King and other civil rights leaders as “demagogues” and

¹³ *Id.* at 219–220 (describing the transition of Black surveillance from slave patrols to the Ku Klux Klan and police departments); Larry H. Spruill, *Slave Patrols, “Packs of Negro Dogs” and Policing Black Communities*, 53 *Phylon* 42, 58–60 (2016) (same); *see generally* Anthony Gregory, *Policing Jim Crow America: Enforcers’ Agency and Structural Transformations*, 40 *L. & Hist. Rev.* 91 (2022) (describing the role of law enforcement in post-civil war lynchings and the enforcement of Jim Crow laws).

¹⁴ *See generally* Gerald Horne, *Fire This Time: The Watts Uprising and the 1960s* (1995); Hubert G. Locke, *The Detroit Riot of 1967* (Wayne State Univ. Press 2017); Peter B. Levy, *The Dream Deferred: The Assassination of Martin Luther King Jr., and the Holy Week Uprisings of 1968, in Baltimore ‘68: Riots and Rebirth in an American City* 3 (Jessica I. Elfenbein et al. eds., 2011).

¹⁵ *The Kerner Commission*, Nat’l Museum Afr. Am. Hist. & Culture, <https://nmaahc.si.edu/explore/stories/kerner-commission> (last visited Sept. 15, 2025).

¹⁶ *Id.* (quoting Commission report).

encouraged a “prompt, efficient, and impressive display of force” to quell racial unrest.¹⁷ The FBI further directed local police departments to “obtain assistance from the National Guard or Federalized troops” if their needs “exceed[ed] the capabilities of the department.”¹⁸ The National Guard was deployed and federalized and—using tanks and other military-grade weapons—threatened lethal force on Black protesters and ultimately caused multiple deaths.¹⁹ And, in response to civil rights protests demanding an end to police brutality and systemic racism throughout the 1960s, the Los Angeles Police Department developed and adopted the first Special Weapons and Tactics (“SWAT”) team, inspired by Marine training and tactics.²⁰

The militarization of state and local law enforcement expanded in 1971, when President Nixon officially declared a “War on Drugs,” purportedly to combat the proliferation of illicit drugs and narcotics and its subsequent social harms.²¹ In actuality, however, the so-called “War on

¹⁷ Fanna Gamal, *The Racial Politics of Protection: A Critical Race Examination of Police Militarization*, 104 Cal. L. Rev. 979, 993–94 (2016) (quoting Fed. Bureau of Investigation, Report on Prevention and Control of Major Disturbances (May 29, 1967), reprinted in *Urban Race Riots* 23 (Michal R. Belknap ed., 1991)).

¹⁸ *Id.*

¹⁹ Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* 68–70 (2016) (discussing the use of National Guard forces in response to the Watts Uprising, including riot zone signs threatening residents to “turn left or get shot”); Nat’l Guard, *Federalizations of the Guard for Domestic Missions through 2025*, <https://www.nationalguard.mil/Portals/31/Documents/FEDERALIZATION-OF-GUARD-UP-TO-2025.pdf>; Locke, *supra* note 14, at 54 (discussing the forty-three deaths as a result of the Detroit Uprising); Niraj Warikoo, *43 Fatal Victims of the Detroit Riot of 1967*, Detroit Free Press (July 22, 2017), <https://www.freep.com/story/news/detroitriot/2017/07/23/victims-detroit-riot-1967/499550001/> (discussing the causes behind the forty-three deaths during the Detroit Uprising, at least eight of which were due to National Guard gunfire).

²⁰ See Fresh Air, *Militarization of Police Means U.S. Protesters Face Weapons Designed for War*, NPR, at 7:50–9:25 (July 1, 2020), <https://www.npr.org/2020/07/01/885942130/militarization-of-police-means-u-s-protesters-face-weapons-designed-for-war>.

²¹ Joseph B. Doherty, *Us v. Them: The Militarization of American Law Enforcement and the Psychological Effect on Police Officers and Civilians*, 24 Univ. S. Cal. Interdisc. L.J. 415, 425 (2016).

Drugs” was an excuse to justify increased policing of Black communities.²² In fact, President Nixon is reported to have told his Chief of Staff, H.R. Haldeman, that “the whole problem was really the blacks. The key was to devise a system that recognized this while not appearing to.”²³

According to Watergate co-conspirator, John Ehrlichman:

The Nixon campaign in 1968, and the Nixon White House after that, had two enemies: the antiwar left and black people. . . . We knew we couldn’t make it illegal to be either against the war or black, but by getting the public to associate the hippies with marijuana and blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.²⁴

The War on Drugs continued under subsequent administrations, including that of President Reagan, who pushed Congress to pass the 1981 Military Cooperation with Law Enforcement Act (“MCLEA”), which “allow[ed] and encourage[ed] the military to grant civilian law enforcement agencies access to military bases, research, and equipment. The law permitted the military to work with civilian law enforcement in all aspects of drug interdiction with the exception of conducting searches and making arrests.”²⁵ Congressional authorization of increased police militarization continued in 1990, when Congress passed the National Defense Authorization Act (“NDAA”); Section 1208 of the Act (now Section 1033), which “allowed the transfer of Department of Defense property to state and local police agencies, including arms and ammunition that are suitable for

²² *Id.* at 428.

²³ *Id.*

²⁴ Dan Baum, *Legalize It All*, *Harper’s Mag.* (Apr. 2016), <https://harpers.org/archive/2016/04/legalize-it-all/>.

²⁵ Doherty, *supra* note 21, at 431–33.

use by such agencies in counter-drug activities; and excess to the needs of the Department of Defense.”²⁶

With the increased federal funds and authorization to transfer U.S. military equipment and resources to local law enforcement, the percentage of local law enforcement agencies with either police paramilitary units (“PPU”) or SWAT units increased from 59% in 1982 to 89% in 1995.²⁷ Police militarization became nearly ubiquitous across American law enforcement agencies, as PPU and SWAT units were used for routine patrols because, lacking the time or resources to properly train these military units, local law enforcement “train[ed them] by practicing on the people.”²⁸

Police militarization again accelerated in the 21st Century with the “War on Terror” and the creation of the Department of Homeland Security (“DHS”).²⁹ Upon its creation, DHS began “providing ‘anti-terrorist’ grants to civilian police departments in smaller towns for the purchase of military-grade armored vehicles, tanks, surveillance drones, machine guns, grenade launchers, armor, camouflage ‘battle-dress’ uniforms, ammunition, and aircraft.”³⁰ This military equipment was used for “low-level drug raids, the execution of search warrants, or to repress civilian protests”—like Occupy Wall Street and Black Lives Matter demonstrations—and only rarely, if ever, utilized during terrorist attacks.³¹

²⁶ *Id.* at 436.

²⁷ Hall & Coyne, *supra* note 6, at 486.

²⁸ Doherty, *supra* note 21, at 438–39 (quoting member of the LAPD patrol bureau, Stephen Downing).

²⁹ *Id.* at 439.

³⁰ *Id.* (quoting *Creation of the Department of Homeland Security*, Dep’t Homeland Sec., <https://www.dhs.gov/creation-department-homeland-security> (last updated May 8, 2023)).

³¹ *Id.* at 440.

Today, images of tanks and police in riot gear being deployed against Black civil rights protestors are familiar—from some of the first Black Lives Matter protests in Ferguson, Missouri to the widespread racial justice demonstrations that erupted in the wake of George Floyd’s murder in 2020.³² But local law enforcement also employs militarized tactics as part of more common policing practices, though disproportionately against Black people and people of color.

[W]hen paramilitary tactics were used in drug searches, the primary targets were people of color, whereas when paramilitary tactics were used in hostage or barricade scenarios, the primary targets were white. Overall, 42 percent of people impacted by a SWAT deployment to execute a search warrant were Black and 12 percent were Latino.³³

In fact, a National Academies of Science study found that “[e]very 10 percent increase in the number of African-Americans living in an area corresponded with a 10 percent increase in SWAT deployments per 100,000 residents.”³⁴ Another study examined geo-coded census data of SWAT team deployments in Maryland, concluding that militarized police units are more often deployed in majority Black communities, even *after* controlling for local crime rates.³⁵

³² Amanda Taub, *What Was THAT? A Guide to the Military Gear Being Used Against Civilians in Ferguson*, Vox (Aug. 18, 2014), <https://www.vox.com/2014/8/18/6003377/ferguson-military-gear>; Andrew W. Lehren et al., *Floyd Protests Renew Debate About Police Use of Armored Vehicles, Other Military Gear*, NBC News (June 20, 2020), <https://www.nbcnews.com/news/us-news/floyd-protests-renew-debate-about-police-use-armored-vehicles-other-n1231288>.

³³ *War Comes Home: The Excessive Militarization of American Police* 5, ACLU (2014), <https://www.aclu.org/publications/war-comes-home-excessive-militarization-american-police>.

³⁴ Nsikan Akpan, *Police Militarization Fails to Protect Officers and Targets Black Communities, Study Finds*, PBS News (Aug. 21, 2018), <https://www.pbs.org/newshour/science/police-militarization-fails-to-protect-officers-and-targets-black-communities-study-finds>.

³⁵ Mummolo, *supra* note 5.

II. Militarized Policing Is Ineffective in Reducing Crime or Violence.

The Trump administration’s purported reason for the National Guard deployment is to rescue the District from the “siege [of] violent crime.”³⁶ This justification is baseless given that violent crime in the capital is at a 30-year low.³⁷ It is also legally insufficient: the crime rate in D.C. does not confer the authority to the President to deploy either the D.C. National Guard or out-of-state National Guard troops for the purpose of conducting civil law enforcement in the District. *See generally*, Pl.’s Compl., ECF No 1. Nevertheless, even if crime were a pressing issue, there is little, if any, evidence that the current show of military force actually would improve public safety.

Citations to research to support militarized interventions likely refer to “earlier studies . . . based on unreliable, flawed data.”³⁸ Newer, more complete analyses of crime data reveal that such interventions “ha[ve] little impact on crime.”³⁹ One study—which examined intensive military patrols targeting purportedly high-crime locations—determined that the intervention was *counterproductive*, with military policing increasing the occurrence of human rights abuses and “likely exacerbat[ing] crime” post-intervention.⁴⁰ Ultimately, “the often-cited trade-off between public safety and civil liberties is, in the case of militarized policing, a false choice.”⁴¹ In fact,

³⁶ *Presidential Memoranda: Restoring Law and Order in the District of Columbia*, White House (Aug. 11, 2025), <https://www.whitehouse.gov/presidential-actions/2025/08/restoring-law-andorder-in-the-district-of-columbia/>.

³⁷ *Violent Crime in D.C. Hits 30 Year Low*, *supra* note 4.

³⁸ Senta Scarborough, *Militarizing Police Does Not Reduce Crime, New Emory Data Analysis Finds*, Emory News Ctr. (Dec. 7, 2020), https://news.emory.edu/stories/2020/12/er_military_equipment_police_crime/campus.html.

³⁹ *Id.*

⁴⁰ *See* Robert Blair & Michael Weintraub, *Little Evidence That Military Policing Reduces Crime or Improves Human Security*, *Nature Hum. Behav.* (Feb. 8, 2023), <https://ssrn.com/abstract=3925245>.

⁴¹ *Id.*; *see also* Mummolo, *supra* note 5 (SWAT teams “provide no detectable benefits in terms of officer safety or violent crime reduction, on average.”).

research analyzing decades of crime data in the United States reveals that increasing police deployment overall also does not have a consequential impact on crime.⁴² Accordingly, the current surge of law enforcement, including with support from the National Guard, is unlikely to have any significant impact on crime in D.C.

Moreover, to the extent that the current National Guard is seen largely as an outside, occupying force, their deployment would compromise a system of law enforcement that is designed to be local. “It is critical that D.C. . . . maintains the power to enact changes that are responsive to local needs, that most effectively use resources to target local issues with knowledge of local context, and that reflect residents’ vision of safety.”⁴³ Notably, Black families fear that they will be specifically targeted by the National Guard troops, who do not have a “cultural understanding of their neighborhoods.”⁴⁴ Instead of cultivating a relationship of trust between the public and police, for whom they are charged with protecting and serving, the presence of armed military suggests that “the police look and act like they are soldiers at war against citizens.”⁴⁵ To be sure, there has already been reporting from the District that the deployment of the National

⁴² YongJei Lee et al., *Conclusions from the History of Research into the Effects of Police Size on Crime—1968 Through 2013: A Historical Systematic Review*, 12 J. Experimental Criminology 431 (2016), https://capebretonspectator.com/wp-content/uploads/2017/01/2016_-YongJei_Lee_et._al.pdf (“After more than 40 years of study, during which researchers have used increasingly sophisticated statistical models, we can state that police force size is unlikely to make much difference in crime, on average.”).

⁴³ Allie Preston et al., *How DC’s Local Leaders Are Keeping Residents Safe*, Ctr. for Am. Progress (Apr. 2, 2025), <https://www.americanprogress.org/article/how-dcs-local-leaders-are-keeping-residents-safe>.

⁴⁴ Clyde McGrady & Bernard Mokam, *Trump’s D.C. Law Enforcement Takeover Has Black Parents on Edge*, N.Y. Times (Aug. 27, 2025), <https://www.nytimes.com/2025/08/27/us/black-parents-washington-dc-crackdown-federal-law-enforcement.html>.

⁴⁵ Scarborough, *supra* note 38.

Guard feels like a “show of force” to the District’s residents rather than a necessity that will do anything to reduce crime.⁴⁶

Unsurprisingly, a former member of the National Guard’s leadership has called the troops’ deployment in D.C. to be “unneeded and also very dangerous,” where “the president is imposing the armed military to go into American cities.”⁴⁷ Army Major General and former acting vice chief of the National Guard Bureau Randy Manner has made clear that “the idea of creating a unit whose primary mission is to deploy anywhere in the country to deal with potentially [sic] demonstrations or civil disorder, as the president sees fit out of the D.C. Guard . . . is not in keeping with the mission of the National Guard as a strategic reserve for our military and for our nation.”⁴⁸ Thus, not only is National Guard deployment ineffective in improving public safety, it is also an inappropriate and dangerous use of the country’s military resources.

III. The National Guard Exacerbates Preexisting Racial Harms Against Black D.C. Residents.

The administration’s deployment of the National Guard has exacerbated, and will continue to exacerbate, pre-existing problems with discriminatory policing in the District. D.C. is already one of the most heavily policed places in America,⁴⁹ and law enforcement actions

⁴⁶ See Alex Horton, *National Guard Documents Show Public ‘Fear,’ Veterans’ ‘Shame’ Over D.C. Presence*, Wash. Post (Sept. 10, 2025), <https://www.washingtonpost.com/national-security/2025/09/10/national-guard-trump-dc/> (noting that “[t]rending videos show residents reacting with alarm and indignation. . . . One segment features a local resident describing the Guard’s presence as leveraging fear, not security — highlighting widespread discomfort with what many perceive as a show of force.”).

⁴⁷ Nick Schiffrin & Dan Sagalyn, *Retired Major General Calls Trump’s National Guard Plans ‘Unneeded and Dangerous,’* PBS NewsHour, (Aug. 26, 2025), <https://www.pbs.org/newshour/show/retired-major-general-calls-trumps-national-guard-plans-unneeded-and-dangerous>.

⁴⁸ *Id.*

⁴⁹ Eliana Block, *Verify: Does DC Have More Police per Capita than Any Other US City?* WUSA (July 15, 2020), <https://www.wusa9.com/article/news/verify/verify-does-dc-have-more-police-per-capita-than-any-other-us-city/65-9fae328a-5da3-4e0f-8e54-009f48b97b57>.

disproportionately target communities of color. For example, “[b]etween 2022 and 2023, Metropolitan Police Department officers stopped about one person every ten minutes in D.C. Seventy percent of those people were Black, even though Black people make up 44 percent of the D.C. population.”⁵⁰ The National Guard deployment supplements the nearly thirty-two federal law enforcement entities in the D.C., whose collective presence has already led to adverse effects for Black communities that are more aggressively policed.⁵¹ Indeed, recent reporting shows that most of the arrests made by the surge in law enforcement (and supported by the National Guard) have been concentrated in D.C.’s poorest, and least white areas.⁵² This significant show of military force by the National Guard reinforces the criminalization of Black residents and worsens their physical and psychological harms from policing.

The racial harm from the National Guard deployment began with the Trump administration’s use of certain inflammatory language to justify its actions. In announcing the deployment, President Trump falsely claimed that the District “has been overtaken by violent

⁵⁰ *Stop and Frisk FAQ: What You Need to Know in D.C.*, ACLU D.C. (Feb. 4, 2025), <https://www.acludc.org/news/stop-and-frisk-faq-what-you-need-know-dc/> (citing *A Cultural Assessment of the MPD Workplace* 204, Police Exec. Rsch. Forum (2023), https://mpdc.dc.gov/sites/default/files/dc/sites/mpdc/publication/attachments/PERF%20MPD%20Cultural%20Assessment_032923.pdf) (“[F]ocus group participants from majority-Black Wards 7 and 8 noted experiencing an aggressive and disrespectful style of over-policing that was not seen in other wards.”).

⁵¹ *Cooperative Agreements*, Metro. Police Dep’t D.C. (2025), <https://mpdc.dc.gov/page/cooperative-agreements> (last visited Sept. 15, 2025) (describing the large number of law enforcement agencies in cooperation with Metropolitan Police Department, including thirty-two federal agencies, seven university police departments, the Metro Transit Police and the Housing Authority Police).

⁵² Olivia George et al., *Who Was Arrested in Trump’s D.C. Crime Emergency? We Analyzed 1,273 Records*, Wash. Post (Sept. 14, 2025), <https://www.washingtonpost.com/dc-md-va/2025/09/14/trump-dc-crime-arrests-data-federal-takeover/>.

gangs[,] bloodthirsty criminals, [and] roving mobs of wild youth.”⁵³ President Trump also fabricated “[c]aravans of mass youth rampag[ing] through city streets at all times of the day,”⁵⁴ and mischaracterized the District as being full of “bloodshed, bedlam and squalor and worse.”⁵⁵ These kinds of incendiary statements raise longstanding false associations of Blackness with dangerousness and criminality.

The pervasive stereotype of Black people as violent and criminal is well studied: psychologists have found that “[m]erely thinking about Black[] [people] can lead [others] to evaluate ambiguous behavior as aggressive, to miscategorize harmless objects as weapons, or to shoot quickly, and, at times, inappropriately.”⁵⁶ When participants in a study were shown photographs of people of the same size and weight, Black men were considered to be larger and stronger than white men and believed to be “more capable of causing harm” in a hypothetical altercation.⁵⁷ Furthermore, Black boys are seen as older, less childlike, and less innocent than their

⁵³ Obed Manuel & Michel Martin, *Trump's Takeover 'Out of Touch' with Facts on the Ground, Says D.C. Attorney General*, NPR (Aug. 12, 2025), <https://www.npr.org/2025/08/12/nx-s1-5498728/trump-washington-dc-police-takeover>.

⁵⁴ *President Trump Holds a Press Conference, Aug. 11, 2025*, White House at 59:36 (Aug. 11, 2025), <https://www.whitehouse.gov/videos/president-trump-holds-a-press-conference-aug-11-2025/>.

⁵⁵ McGrady & Mokam, *supra* note 44.

⁵⁶ Jennifer Eberhardt et al., *Seeing Black: Race, Crime and Visual Processing*, 87 J. Personality & Soc. Psych. 876 (2004), <https://web.stanford.edu/~eberhard/downloads/2004-SeeingBlackRaceCrimeandVisualProcessing.pdf>.

⁵⁷ *See also* John Paul Wilson et al., *Racial Bias in Judgments of Physical Size and Formidability: From Size to Threat*, 113 J. Personality & Soc. Psych. 59, 62, 64 (2017).

white, same-age counterparts.⁵⁸ These stereotypes are reinforced through media coverage that overrepresents Black people as perpetrators of crime and white people are victims of crime.⁵⁹

The President's rhetoric brings to mind these false associations of Blackness with criminality. In fact, the President's references to youth violence as a driving force behind the National Guard deployment harken back to the "superpredator" myth of the 1990s that weaponized the general public's fear of crime to dehumanize and criminalize young people in Black communities.⁶⁰ Comparable to the language utilized by the Trump administration, proponents of the superpredator myth falsely claimed that the country would "have a bloodbath" unless more stringent law enforcement tactics were utilized against Black youth.⁶¹ The superpredator theory "was baseless when it originally was espoused and has since been thoroughly debunked."⁶² So too is the Trump administration's claims about D.C. youth. Juvenile crime actually has declined in the

⁵⁸ Phillip Atiba Solomon (formerly, Goff) et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children*, 106 J. Personality & Soc. Psych. 526 (2014), <https://psycnet.apa.org/doi/10.1037/a0035663>.

⁵⁹ See Travis L. Dixon & Daniel Linz, *Race and the Misrepresentation of Victimization on Local Television News*, 27 Comm'n Rsch. 547, 561 (2000).

⁶⁰ See Carroll Bogert & Lynnell Hancock, *Superpredator: The Media Myth That Demonized a Generation of Black Youth*, Marshall Project (Nov. 20, 2020), <https://www.themarshallproject.org/2020/11/20/superpredator-the-media-myth-that-demonized-a-generation-of-black-youth>.

⁶¹ *The Superpredator Myth, 25 Years Later*, Equal Just. Initiative (Apr. 7, 2014), <https://eji.org/news/superpredator-myth-20-years-later/>.

⁶² *Connecticut Supreme Court Holds Sentence Based on Discredited Superpredator Myth Is Illegal*, Equal Just. Initiative (Jan. 24, 2022), <https://eji.org/news/connecticut-supreme-court-holds-sentence-based-on-discredited-superpredator-myth-is-illegal/> (quoting *State v. Belcher*, 268 A.3d 616, 625 (Conn. 2022)).

District since 2023,⁶³ with Black youth in D.C. still 2.4 times more likely to be arrested than their white counterparts.⁶⁴

The administration’s “decision to flood the streets with soldiers,” who are now carrying firearms, risks lasting harm for both Black youth and the Black community at large.⁶⁵ The physical and psychological burdens of this military presence undoubtedly fall more heavily on Black D.C. residents. For example, Black people are far more likely to suffer adverse consequences from increased policing, no matter the type of police encounter.⁶⁶ Aggressive and disparate policing also causes myriad adverse psychological effects, including distress, depression, PTSD, and anxiety.⁶⁷ Black people’s psychological harm from negative police interactions can be so severe that they may avoid socializing in public places and visiting friends and family to avoid them.⁶⁸

⁶³ Rebecca Schneid, *Trump Railed Against Youth Crime in D.C. Experts Say His Crackdown Won’t Work*, TIME (Aug. 28, 2025), <https://time.com/7312528/trump-dc-takeover-youth-crackdown-crime/>.

⁶⁴ Nora Leonard, *Racial and Ethnic Disparities in the Youth Justice System*, Coal. for Juv. Just. (Mar. 2, 2023), <https://juvjustice.org/blog/racial-and-ethnic-disparities-in-the-youth-justice-system/>.

⁶⁵ Schneid, *supra* note 63.

⁶⁶ Black people are disproportionately stopped and searched, and disproportionately killed, by police. See Emma Pierson et al., *A Large-Scale Analysis of Racial Disparities in Police Stops Across the United States*, 4 Nature Hum. Behav. 736, 741 (2020) (finding that “[Black people] are stopped at 1.4 times the rate at which [white people] are stopped”); James W. Buehler, *Racial/Ethnic Disparities in the Use of Lethal Force by US Police, 2010–2014*, 107 Am. J. Pub. Health 295 (2017) (finding that Black males were 2.8 times more likely to be killed than white males).

⁶⁷ Melissa N. McLeod et al., *Police Interactions and the Mental Health of Black Americans: A Systematic Review*, 7 J. Racial & Ethnic Disparities 10, 25 (2020).

⁶⁸ Alice Goffman, *On the Run: Fugitive Life in an American City* (Univ. Chic. Press 2015) (discussing the ethnographic and sociological effects of over-policing on young Black men and Black communities more broadly); Sarah Brayne, *Surveillance and System Avoidance: Criminal Justice Contact and Institutional Attachment*, 79 Am. Soc. Rev. 367 (2014) (discussing how negative interactions with the criminal legal system lead people to be less likely to engage with other societal institutions and systems).

Black youth are especially vulnerable to adverse consequences from aggressive policing. Data shows that high levels of policing compromise students' academic achievement, with police encounters being associated with a decreased likelihood of completing high school and enrolling in college.⁶⁹ Students exposed to high levels of policing also perform worse on standardized tests and are more likely to be absent from school.⁷⁰ Youth are also prone to experience psychological distress after police encounters, including disengagement in school and feelings of alienation from society.⁷¹

The National Guard deployment has already worsened these harms to Black residents due to an increased fear of police stops and violence without justification.⁷² For example, a Navy veteran, who has lived in D.C. since 1966, fears that his city is “becoming a police state” that might stop him and ask for his credentials.⁷³ The National Guard deployment has also caused Black parents to place stricter limits on their children's activities out of concern for potential encounters

⁶⁹ Aaron Gottlieb & Robert Wilson, *The Effect of Direct and Vicarious Police Contact on the Educational Achievement of Urban Teens*, 103 Child. & Youth Servs. Rev. 190 (2019), <https://doi.org/10.1016/j.childyouth.2019.06.009>.

⁷⁰ Amanda Geller & Nicholas Mark, *Student Absenteeism and the Role of Police Encounters*, 21 Criminology & Pub. Pol'y 893 (2022), <https://onlinelibrary.wiley.com/doi/abs/10.1111/1745-9133.12600>; Aaron Stagoff-Belfort et al., *The Social Costs of Policing*, Vera Inst. Just. (2022), <https://vera-institute.files.svdcn.com/production/downloads/publications/the-social-costs-of-policing.pdf>.

⁷¹ Schneid, *supra* note 63.

⁷² River Zhang, *DC Residents on Crime in the City and Concerns over National Guard Presence*, Associated Press, at 00:11 (Aug. 12, 2025), <https://apnews.com/video/d-c-residents-on-crime-in-the-city-and-concerns-over-national-guard-presence-3503de4476674d3bada3690ef7b59d3e> (“I’m more fearful now with the National Guard—especially because I’m African American.”).

⁷³ Joe Heim et al., *We Asked 604 D.C. Residents About Trump's Takeover. Here's What They Said*, Wash. Post (Aug. 20, 2025), <https://www.washingtonpost.com/dc-md-va/2025/08/20/dc-poll-trump-crime-police/>; see also Alecia Taylor & Brandon Tensley, *Black D.C. Residents Say Trump's Tactics Bring More Fear, Not Safety*, Cap. B (Aug. 14, 2025), <https://capitalbnews.org/dc-federal-takeover-trump-black-residents/>.

with law enforcement or National Guard troops.⁷⁴ They have been forced to “wade back into tough conversations about racial profiling and policing” so that their children will not be “caught in the dragnet set up by officers tasked by the president with cracking down on the ‘roving mobs of wild youth’ he accused of terrorizing the city.”⁷⁵ Some are beginning to wonder whether they are “that much of a threat to society that [they] have to be policed like this?”⁷⁶ In fact, Black youth, who can perceive police differently than their white counterparts⁷⁷ due to persistent racial disparities in police conduct,⁷⁸ report feeling less safe from the presence of the National Guard.⁷⁹ Thus, contrary to the administration’s suggestions, the National Guard troops have undermined, not improved, public safety—especially for Black youth and families.

CONCLUSION

“As police officers drape themselves in the trappings of a military force, they increasingly look like members of an army prepared to go to war against unarmed civilians.”⁸⁰ While thousands of armed members of the National Guard flood the streets of the District, the Trump administration

⁷⁴ McGrady & Mokam, *supra* note 44.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ See, e.g., Jonathan Nakamoto et al., *High School Students’ Perceptions of Police Vary by Student Race and Ethnicity: New Research Findings*, WestEd (2019), <https://www.wested.org/resource/high-school-students-perceptions-of-police/>.

⁷⁸ Emily Widra, *Despite Fewer People Experiencing Police Contact, Racial Disparities in Arrests, Police Misconduct, and Police Use of Force Continue*, Prison Pol’y Initiative: Blog (Dec. 19, 2024), https://www.prisonpolicy.org/blog/2024/12/19/policing_survey_2022/.

⁷⁹ Meg Anderson, *Teenagers in Washington, D.C., Say the Federal Police Takeover Makes Them Feel Unsafe*, NPR (Aug. 16, 2025), <https://www.npr.org/2025/08/16/nx-s1-5501528/federal-police-takeover-washington-dc-teenagers>.

⁸⁰ Wayne McElrath & Sarah Turberville, *Poisoning Our Police: How the Militarization Mindset Threatens Constitutional Rights and Public Safety*, Project on Gov’t Oversight (June 9, 2020), <https://www.pogo.org/analysis/poisoning-our-police-how-the-militarization-mindset-threatens-constitutional-rights-and-public-safety>.

further an atmosphere of a military state where Black residents do not feel protected but instead feel targeted as the enemy by an outside military force. History and data both show that a military presence will not reduce crime or violence. Instead, it will needlessly criminalize Black residents, especially Black youth, while undermining the public safety infrastructure. Accordingly, we urge the Court to grant Plaintiff's motion for a preliminary injunction to end current harms, as well as prevent future harms, that the National Guard deployment has caused to Black residents in the District, as well as all D.C. residents writ large.

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Respectfully submitted,

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