

No. 25A443

**IN THE
SUPREME COURT OF THE UNITED STATES**

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

Applicants,

v.

STATE OF ILLINOIS, et al.,

Respondents.

ON APPLICATION TO STAY THE TEMPORARY RESTRAINING ORDER ISSUED BY THE
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

**BRIEF OF *AMICI CURIAE* LOCAL GOVERNMENTS AND
LOCAL GOVERNMENT LEADERS IN SUPPORT OF RESPONDENTS'
RESPONSE IN OPPOSITION TO THE EMERGENCY MOTION
FOR STAY PENDING APPEAL**

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INTEREST OF *AMICI CURIAE*

Amici curiae are local governments and officials from across the Nation.¹ Their municipalities and counties differ in size, demographics, and policy priorities, but share a common interest in keeping communities safe, protecting the First Amendment rights of their residents, and avoiding pretextual punishment by the Executive branch. Through decades of experience, *amici* have successfully deployed policies and practices that balance public safety needs with the rights of their residents.

The President has made plain his desire to treat American cities as military “training grounds.”² Since federalizing and deploying the National Guard in Los Angeles in June, the Administration has sent or attempted to send federal military troops into one community after the next—each time, widening the scope, duration, and reason for deployment. In just the past three weeks, the President has federalized and attempted to deploy hundreds more troops, including out-of-state troops, into the City of Portland *twice*, while simultaneously attempting to do the same in and around Respondent City of Chicago. The President has also made new and repeated avowals to expand National Guard deployments to other cities, “where needed,” including

¹ Pursuant to Supreme Court Rule 37.6, no party or party’s counsel authored this brief in whole or in part and no party or party’s counsel contributed money intended to fund preparation or submission of this brief. A list of all *amici* is provided at Appendix A.

² President Donald Trump, Address to Military Leadership in Quantico, Virginia (Sept. 30, 2025) (transcript available via Roll Call, <https://perma.cc/HHS8-HR8S>).

some *amici*.³ On top of this, in as many as nineteen states, the Administration plans to deploy the National Guard under state control to assist with federal immigration enforcement.⁴ In anticipation of this planned roll-out, the President has issued an Executive Order instructing the Secretary of Defense to establish a “standing National Guard quick reaction force” available for “rapid nationwide deployment.”⁵

Taken together, these deployments of the National Guard across the country constitute a perilous increase in the presence and threatened presence of military troops in cities and localities like those *amici* represent. President Trump’s promise that “we’re gonna have troops everywhere”⁶ raises serious concerns of the cascading

³ See Memorandum for the Adjutant General, Texas National Guard, Dkt. No. 13-4, *Illinois v. Trump*, No. 1:25-cv-12174 (N.D. Ill. filed Oct. 6, 2025) (authorizing mobilization of up to 400 Texas National Guard members “where needed, including in the cities of Portland and Chicago”); see also Will Weissert & Sophia Tareen, *Trump says he’s set to order federal intervention in Chicago and Baltimore, despite local opposition*, Associated Press (Sept. 2, 2025), <https://perma.cc/T4QB-7CZT> (including Baltimore on the list of cities where Trump is considering sending federal authorities); President Donald Trump, *supra* n.2 (including New York and San Francisco in list of “very unsafe places” that the administration is going to “straighten [] out”); President Donald Trump, Speech Announcing Military Deployment in Washington, D.C. (Aug. 11, 2025) (transcript available via Roll Call, <https://perma.cc/SPQ6-8NWH>) (describing Baltimore, Oakland and New York as cities that are “bad, very bad”).

⁴ Josh Marcus, *Trump mobilizing up to 1,700 National Guard troops in 19 states to widen crime and immigration crackdown*, The Independent (Aug. 25, 2025), <https://perma.cc/6U2S-KEP8>.

⁵ The White House, *Additional Measures to Address the Crime Emergency in the District of Columbia*, § 2(d)(ii) (Aug. 25, 2025), <https://perma.cc/3AF2-QMQ4>.

⁶ President Donald Trump, Comments to Reporters Before Air Force One Departure (June 8, 2025) (transcript available via Roll Call, <https://perma.cc/3UX6-DAQY>).

harms to *amici*'s jurisdictions if the Court grants the Government's application and allows the deployment to proceed unfettered.

As in other jurisdictions, by federalizing the National Guard in Chicago, the Government failed to meet statutory thresholds and threatens to trample the foundational principles forbidding federal military involvement in civilian law enforcement. *Amici* are gravely concerned that any protest within their borders, or any claim by the Government of an unfilled "security void" by local authorities, will trigger yet another unnecessary deployment of the military. The Government's standardless federalization of the National Guard not only harms *amici*'s sovereign interests in exercising police powers, but it also disturbs *amici*'s interest in peace and tranquility, and in the well-being of our residents and our local economies. More broadly, *amici* have an interest in maintaining the distinct characteristics that make each of their communities unique and in avoiding the damage the federal usurpation of police powers may inflict.

Amici counties and cities and their elected leaders include municipalities that have been specifically targeted, and others that have been threatened with National Guard deployment by Applicants. Whether facing current, recently threatened, or potential future National Guard deployment, they have been harmed and continue to be so. They all share a strong interest in ensuring that unnecessary deployments cease and that adherence to the rule of law is restored. *Amici* respectfully submit this brief in support of Respondents' response in opposition to the Government's emergency motion for stay pending appeal.

SUMMARY OF ARGUMENT

Our Nation's constitutional order demands that domestic deployment of the federal military be restricted to exceptional circumstances and that federal courts hold the line against Executive overreach. Throughout our history, and pursuant to the governing statutory and constitutional law, federalization and deployment of the states' National Guard has been a last resort, not a primary tactic, reserved for those exceedingly rare instances of foreign invasion, violent rebellion, or where the President is unable to execute the laws. None of these conditions are present in the United States currently or—as relevant for this application—in the record of this case.

Yet, domestic National Guard deployments (or at least the threat and attempt thereof) have become almost commonplace. Chicago, the third-largest city in the United States, is now the fifth major American city in which the President has sought to deploy the National Guard in as many months. These attempted deployments, in response to local demonstrations—nothing amounting to a rebellion—intrude on state and local sovereignty by usurping local police power; and each transgresses further into normalizing the deployment of the military for domestic law enforcement efforts. The threat to dual sovereignty is especially grave given the Government's argument that the President's decision to deploy the National Guard domestically is beyond review. If this Court credits that position, the Executive branch will have an unfettered ability to seize control of a state's National Guard for any real or imagined reason. This cannot stand in principle or law.

Moreover, the public interest strongly counsels against an emergency stay. *Amici* have long ably responded to demonstrations within their jurisdictions, both when they are peaceful and otherwise, without the intrusion of the military. Contrary to the short shrift that Applicants afford to state and local officials and law enforcement, *see* Gov. Br. at 10–11, they are effective and their leadership in response to protests or mass gatherings is the norm in American cities. Local law enforcement is trained to respond to demonstrations large and small, whereas the National Guard’s focus and training is on military combat and disaster response.

If left unchecked, the President’s extra-statutory National Guard deployments will cause ongoing harm to the stability of cities across the country. Under the Government’s reasoning, the President could issue an order seeking to federalize troops at *any time, anywhere, for any reason*—based on nothing more than being a disfavored jurisdiction, a perception that local law enforcement cannot adequately do their jobs in their jurisdictions, or even a perceived threat of future violence.

Unwarranted military policing threatens irreparable injury not just to Respondents, but to jurisdictions around the country. The presence of military troops patrolling our communities inflames tensions (which, in turn, requires more resources), endangers and decreases the efficacy of local law enforcement, and increases risks of tragic accidents. And it disturbs our residents’ peace and well-being and disrupts our local businesses and economies—all while costing millions of dollars. This is especially true where, as here, military troops are deployed on city streets

with a muddled directive to both clean up general crime, Gaber Decl., D. Ct. Dkt. No. 13-10, ¶ 44, and to “go hard” against protesters,⁷ neither of which is lawful.

The Administration’s unlawful military mobilization is decisively against the public interest. For these reasons, *amici* respectfully urge the Court to deny the request for an immediate administrative stay and the stay of the district court’s temporary restraining order.

ARGUMENT

I. IF THE STATUS QUO IS NOT MAINTAINED, THE GOVERNMENT WILL UNLEASH MILITARY FORCES WITHOUT FACTUAL JUSTIFICATION AND UNDER PRETEXT THAT WILL SEVERELY HARM AMICI AND THE PUBLIC INTEREST.

The Seventh Circuit correctly affirmed the district court’s conclusion that a temporary restraining order is warranted to prevent an abridgement of state sovereignty and a dramatic expansion of the President’s power. The panel—composed of judges appointed by three presidents over the course of 25 years—properly credited the district court’s factual findings. Given the early stage of these proceedings, both courts appropriately recognized the determination made in holding that none of the predicate conditions exist in Chicago for the President to federalize and deploy the National Guard under Section 12406 was necessarily preliminary.

Having submitted no credible evidence to the district court that the facts on the ground in Chicago require the immediate deployment of military troops because

⁷ Complaint, D. Ct. Dkt. No. 1 ¶¶ 113–14 (“Defendant Noem was videotaped speaking to assembled DHS agents about protestors outside of the ICE facility in which she stated: ‘Today, when we leave here we’re going to go hard. We’re going to hammer these guys....’”).

of an inability to execute federal immigration law in that city, the Government should not now be awarded emergency relief that dramatically alters the status quo. The Government not only is attempting to relitigate the facts on an emergency application, but also is attempting to relitigate facts before this Court on an emergency application that were unpersuasive to the district and appellate courts. Even with “great deference” afforded to the Administration's determinations, the Seventh Circuit correctly rejected arguments that the President’s federalization of the Guard under Section 12406 is not judicially reviewable and that there were credible factual predicates to satisfy federalization. *See Illinois v. Trump*, No. 25-2798, at 10–16 (7th Cir. Oct. 16, 2025), Dkt. No. 26 (“App. Op.”). The court of appeals also found that the district court “provided substantial and specific reasons” for its credibility decisions, for which the record “includes ample support.” *Id.* at 12. The Government, accordingly, has not shown a likelihood of success on the merits, and this Court’s inquiry can end there.

Even if the other conditions for a stay could be met, this Court should determine that “the public interest lies” in ruling against a stay application. *Ohio v. Env’t Prot. Agency*, 603 U.S. 279, 291 (2024) (citing *Nken v. Holder*, 556 U.S. 418, 434 (2009)); *see also Trump v. Int’l Refugee Assistance Project (“IRAP”)*, 582 U.S. 571, 580 (2017) (“Before issuing a stay, [i]t is ultimately necessary . . . to balance the equities—to explore the relative harms to applicant and respondent, as well as the interests of the public at large.”) (quoting *Barnes v. E-Sys., Inc. Grp. Hosp. Med. & Surgical Ins. Plan*, 501 U.S. 1301, 1305 (1991)). The sovereign interests of *amici* weigh strongly

against federal military incursions into local law enforcement. Additionally, *amici* urge this Court to consider the distinct and irreparable injury that local governments nationwide suffer when the President deploys military forces to our communities. Given the broad and substantial disruptive effect of deployment, and threatened deployment, of the National Guard, the interests of the public at large—reflected in *amici*’s coalition of local governments and leaders—strongly counsels against an emergency stay.

A. The Unlawful Federalization of the National Guard Without Justification Harms State and Local Sovereignty.

A bedrock embodiment of state and local sovereignty over the police power is the steadfast refusal to allow the military to engage in domestic policing. *See Laird v. Tatum*, 408 U.S. 1, 15–16 (1972). The federalization of the National Guard in the factual context found by the district court shatters that legal tradition. In so doing, the Government harms Respondents’ sovereignty and similarly threatens that harm to other localities nationwide, including *amici*. *See* D. Ct. Dkt. No. 70 (“D. Ct. Op.”), at 49. The States’ police power manifests in significant part through county and municipal governments, which are the primary providers of quotidian law enforcement and public safety. *See e.g.*, Cal. Const., art. XI, §§ 5, 7; Ill. Const., art. VII, § 6; N.M. Const., art. 10, § 6. “As Madison expressed it: ‘[T]he local or municipal authorities form distinct and independent portions of the supremacy, no more subject, within their respective spheres, to the general authority than the general authority is subject to them, within its own sphere.’” *Printz v. United States*, 521 U.S. 898, 920–91 (1997) (quoting *The Federalist* No. 39, at 245). Local governments thus share the

core constitutional interest in the police power with the States under the Tenth Amendment. Accordingly, the sovereign interests of *amici* cities weigh strongly against federal military incursion into domestic local policing.

By deploying members of the Texas National Guard to Illinois, the Government not only continues its relentless effort to dismantle the balance of power allocated by the U.S. Constitution between the States and the federal government, but also among the States themselves. D. Ct. Op. at 49. Indeed, as the district court explained, the principle of equal sovereignty is violated when the National Guard from Texas is “deployed to Illinois against the wishes of Illinois’s elected leaders” because such a move “empowers Texas at the expense of Illinois, injuring Illinois’s right to be ‘equal in power, dignity, and authority’ to every other state.” *Id.* (quoting *Coyle v. Smith*, 221 U.S. 559, 567 (1911)).

The threat to state and local sovereignty is underscored by the Administration’s sweeping arguments against any judicial review. In justifying the invasion of one state’s National Guard into another state, the Government argued during the temporary restraining order hearing that “the federalization of the National Guard requires no explanation, identifiable scope, or provable factual underpinning, and that federalization determinations are immune from Article III review.” *See* Appellees’ Response in Opp., 7th Cir. Dkt. No. 7 at 2 (citing to transcript). In their view, the President may call the National Guard whenever he is “unable to ensure *to his satisfaction* the faithful execution of the federal laws by the federal officers who regularly enforce them, without undue harm or risk to officers.” D. Ct.

Op. at 42 (emphasis added). The Government renews this broad argument before this Court, arguing a federal court “lacks not only the authority but also the competence” to determine if deployment under Section 12406 is proper. Gov. Br. at 23. The argument that this Court may not “second-guess [the President’s] judgments,” *id.* at 36, must be seen for what it is: an assertion that any president, now or in the future, may hold such a boundless power nowhere is stated in law, any founding document, or derived from our legal tradition.

The notion that the President’s judgment requires such limitless deference as to be beyond judicial review is not borne out by the plain text of the statute. Section 12406 “permits the President to federalize the National Guard ‘[w]henever’ one of the three enumerated conditions are met, not whenever *he determines* that one of them is met.” D. Ct. Op. at 26 (quoting *Newsom v. Trump*, 786 F. Supp. 3d 1235, 1248 (N.D. Cal. 2025) (quoting 10 U.S.C. § 12406) (emphasis in original)). Moreover, the non-reviewability argument fails to comport with the careful limitations the Founders placed on the role of the military in domestic affairs and on the President’s power to deploy federal military forces, which the district court detailed in its order. *Id.* at 14–17. This is especially true in this context. *Amici* are concerned that reading the statute to defer to any decision by the President to deploy troops in response to protests by *amici*’s residents, in *amici*’s communities, and on *amici*’s streets—when local law enforcement officials on the ground conclude military involvement is unnecessary—completely negates local officials’ the expertise. And if and when local law enforcement are overwhelmed, they can and do request federal resources,

including Guard troops, to complement local and state teams.⁸ *See also* Part I.B., *infra*.

The National Guard’s management of local protests usurps state and local government’s constitutional interest to provide for the general welfare of their residents through their police power. *See, e.g., Walker v. Birmingham*, 388 U.S. 307, 315 (1967) (“When protest takes the form of mass demonstrations, parades, or picketing on public streets and sidewalks, the free passage of traffic and the prevention of public disorder and violence become important objects of legitimate state concern.”); *San Francisco v. Trump*, 783 F. Supp. 3d 1148, 1184 (N.D. Cal. 2025) (citing *San Francisco v. Trump*, 897 F.3d 1225, 1234–36 (9th Cir. 2018)). Applicants are undermining “localities’ right to sovereignty and self-determination [that] forms the bedrock of our republic.” *Id.* This infringement on local sovereignty weighs strongly against the public interest.

B. The Public Interest Is Best Served When Local Law Enforcement, Not Federalized Military Forces, Exercise Police Powers to Ensure Public Safety and Manage Local Protests.

The vast majority of protests across the United States are peaceful.⁹ In the rare circumstances when demonstrations threaten public safety, local law enforcement is

⁸ For example, in the wake of Hurricane Helene in 2024, National Guard troops worked in coordination with state agencies to deal with the natural disaster. *See* C. Todd Lopez, *National Guard Provides Support to Hurricane Stricken States*, Department of War (Oct. 3, 2024), <https://perma.cc/KTS7-ZEYZ>.

⁹ *See, e.g.,* Demonstrations and Political Violence in America: New Data for Summer 2020, ACLED (Sept. 3, 2020), <https://perma.cc/8VD5-Z9D4> (finding 93% of national demonstrations—in 2,400 locations—were peaceful).

better trained than military forces to handle such incidents. Unlike the National Guard, which primarily serves to secure combat and natural disaster zones, local law enforcement has extensive experience managing protests and deep understanding of their communities. *Amici*, like Respondents, have established procedures and training that endeavor to balance public safety, individual rights, the protection of property, crowd management, preserving access to public space, and the preservation of residents' fundamental constitutional rights. *Cf. Grider v. Abramson*, 180 F.3d 739, 751–53 (6th Cir. 1999) (noting local governments have “significant public interests in fostering the privileges of free expression and assembly” and in “the preservation of community peace”). Moreover, the presence of the National Guard, combined with aggressive tactics by federal agents, have only made it more challenging for local law enforcement to fulfill its duties.

1. Local law enforcement has specific expertise to respond to protests and to de-escalate.

Local law enforcement officials are trained and prepared to make lawful arrests when called for, and to de-escalate tensions during demonstrations and protests, rather than inflaming them. The States' National Guard lacks this expertise. And to the extent that local law enforcement departments continue to update and evolve their policies and practices to improve efficacy and trust in communities, bringing in the federal military will not help those efforts. As one retired military officer and expert explained: “Although [the National Guard] have the mission of [responding to] domestic disturbances, they don't get a lot of training in it, and they certainly don't get the extensive training and the nuances that, for

example, the police get.”¹⁰

Here, the district court made factual findings that local law enforcement officers in Chicago have competently managed crowds, related First Amendment activity (including large scale protests), and ensured the ability of ICE officers to enter and exit the Broadview ICE facility in the normal course of business. *See* D. Ct. Op. at 3–9.¹¹ Additionally, as seen in Chicago, local law enforcement do act to protect federal personnel and facilities in collaboration with their federal counterparts when their duties require it. The Court of Appeals’ conclusion that the statutory predicate for deployment under Section 12406(3) has not been satisfied illustrates this point: “Federal facilities, including the processing facility in Broadview, have remained open despite regular demonstrations . . . And though federal officers have encountered sporadic disruptions, they have been quickly contained *by local, state, and federal authorities.*” App. Op. at 15 (emphasis added).

Amici’s local law enforcement agencies across the country have devoted significant time to community engagement with the aim of building the public’s trust. As a result, local law enforcement best understands which tactics might escalate a situation in a particular community and what might be more useful in calming that

¹⁰ Alana Wise, *The National Guard has Been Deployed to Enforce the Law Before. What’s Different Now?*, Nat’l Public Radio, (Aug. 21, 2025), <https://perma.cc/7W7U-ZT9G>.

¹¹ By contrast, the district court noted that Applicants’ federal law enforcement declarants have a “troubling” tendency to “equat[e] protests with riots and a lack of appreciation for the wide spectrum that exists between citizens who are observing, questioning, and criticizing their government, and those who are obstructing, assaulting, or doing violence.” D. Ct. Op. at 10–11.

same community. These tactics are not window-dressing; they succeed in deescalating serious conflicts.¹²

Military troops with no local orientation lack these critical insights. As the district court concluded, “[t]o add to this milieu militarized actors unfamiliar with local history and context whose goal is ‘vigorous enforcement’ of the law... is not in the community’s interest.” D. Ct. Op. at 50–51 (cleaned up). The Court of Appeals agreed, holding that “the public has a significant interest in having only well-trained law enforcement officers deployed in their communities and avoiding unnecessary shows of military force in their neighborhoods, except when absolutely necessary and justified by law.” App. Op. at 17.

Critically, *amici*’s local law enforcement departments and individual officers are directly accountable to the communities they serve, as they report ultimately to elected mayors and city councils and in many cases are also subject to oversight from citizen police commissions and boards. In contrast, federalized National Guard troops are not directly accountable to the communities to which they are dispatched.

Turning to capacity, local governments like *amici* and Respondents have established policies for coordinating responses to significant emergencies and civil unrest when local resources prove to be insufficient. They allow local governments to

¹² Pittsburgh Bureau of Police Roadway Safety Guidelines (July 26, 2018), <https://perma.cc/WB57-5TJP> (detailing tactics Pittsburgh Police shall use to ensure the safe flow of traffic during protests that affect roadways); *see also* Press Release, City of New Haven, *Statement by Mayor Elicker on Yale University Students Protest and Successful De-escalation by the New Haven Police Department* (Apr. 23, 2024), <https://perma.cc/897J-HJCV> (describing, in statement from New Haven mayor, successful deescalation of student protests).

request additional state and local resources in a practiced manner that will avoid interagency conflicts, deescalate tensions, and prevent widespread disorder. *See, e.g.*, D. Ct. Op. at 5–6 (describing the Illinois law enforcement mutual aid network and “Unified Command”). Centralized information-sharing and coordination of responses within these groups avoids putting the public or law enforcement at risk, without the need for any military forces.

In contrast, deploying military troops outside of established processes heightens the likelihood of coordination failures and introduces more complexity and risk for local law enforcement and the public. This is particularly true where the Government deploys the National Guard in response to what the district court found to typically be a small protest, rarely numbering more than fifty people and never exceeding 200. D. Ct. Op. at 3; *see also* App. Op. at 3. For example, on the day before the President’s announcement of a deployment, Broadview Police monitored a “small crowd of quiet protestors” against whom ICE deployed tear gas, pepper spray, and pepper balls. D. Ct. Op. at 5–6.

2. The deployment of the National Guard has escalated conflict and made it harder for local law enforcement to do its job.

As the district court found, National Guard deployment itself is “likely to lead to civil unrest, requiring deployment of state and local resources to maintain order.” D. Ct. Op. at 49. This is not an unfounded supposition, as the Government suggests, nor is it unique to Chicago. In fact, the escalation and intensification of protests in response to threats and actual employment of the National Guard is an established

pattern. See Br. of Cal. and Gov. Newsom as *Amici Curiae*, D. Ct. ECF No. 40–1 at 6 (pointing out that, rather than quelling unrest, National Guard mobilization inflamed further protests in Los Angeles, including spawning new unrest that required more state resources);¹³ see also Op. & Order Granting TRO, *Oregon v. Trump*, No. 25-cv-01756 (D. Or. Oct. 4, 2025), Dkt. No. 56 at 29 (noting that, on the night of the Administration’s deployment announcement, “the size of protests increased substantially” in Portland).¹⁴

Further, in Chicago, as some federal agents have become increasingly aggressive in their response to protestors, Chicago police officers have faced escalating on-the-job dangers, not just from rising tensions, but also from the tactics employed by the federal agents. For instance, police stationed outside the Broadview facility were recently tear gassed alongside protestors when ICE agents deployed the gas.¹⁵ Given the increased militarization of these federal agencies and their use of increasingly aggressive tactics, *amici* have a well-founded concern that National

¹³ On this point, Applicants suggest the Ninth Circuit in *Newsom* found that the National Guard’s deployment in Los Angeles deterred further violence (see Gov. Br. at 37), but the Court found no such thing, instead observing “that California’s concerns about escalation and interference with local law enforcement, at present, are too speculative. We do not know whether future protests will grow due to the deployment of the National Guard.” *Newsom v. Trump*, 141 F.4th 1032, 1054 (9th Cir. 2025).

¹⁴ See also Anna Griffin, *In 2020, Trump Intervened in Portland’s Protests. They Got Even Worse*, N.Y. Times (Oct. 7, 2025), <https://perma.cc/A7Z7-9LG2> (noting that during the 2020 protests after George Floyd’s death, an influx of federal troops to Portland prompted “tens of thousands of people” to protest).

¹⁵ Billal Rahman, *ICE Accidentally Tear Gases Chicago Police During Clash With Protesters*, Newsweek (Oct. 6, 2025), <https://perma.cc/CU3A-YWUK>.

Guard troops, trained for military combat, will use disproportionate force in response to protests, increasing the potential for tragic miscalculations and accidents.

The potential for disproportionate force is especially present because of the extreme rhetoric the President has used in his public comments calling for deployment of the National Guard. Among other things, the President has called protesters the “enemy from within”¹⁶ and described Chicago as a “war zone.”¹⁷ The Commander in Chief’s rhetoric cannot be dismissed as harmless, particularly as he directs the deployment of armed military personnel and military weaponry to *amici*’s streets.¹⁸ Cities and local governments like *amici*, and their residents, have a strong interest in preventing escalations of violence.

The tactics used by federal law enforcement on local residents in Broadview have also resulted in additional costs and resource expenditures for Respondents. *See* D. Ct. Op. at 49–50. The district court noted the “provocative nature of ICE’s enforcement activity” has caused a corresponding uptick in protests, which state and local law enforcement agencies respond to. *Id.* at 49. The resulting “diversion of limited state and local resources is an irreparable harm.” *Id.* at 50; *cf. Swain v. Junior*, 958 F.3d 1081, 1090 (11th Cir. 2020) (finding irreparable harm because

¹⁶ President Donald Trump, *supra* n.2.

¹⁷ President Donald Trump, Speech on Signing Executive Order on Alaskan Energy and Minerals in Washington, D.C. (Oct. 6, 2025), (transcript available via Roll Call, <https://perma.cc/B7JE-MZXL>).

¹⁸ As the retired military general explained: “The military mindset is wrong...The police look at the people in front of them as citizens who may be misbehaving, but they’re citizens. The military looks at people out there and sees threats that need to be neutralized, and that can lead to bad things.” Wise, *supra* n.10.

government officials “will lose the discretion . . . to allocate scarce resources among different county operations necessary to fight the pandemic”). The deployment of the National Guard is likely to increase these costs by further increasing the need for local law enforcement presence if the size and intensity of protests and dispersion tactics increase. *Amici*, like Respondents, manage limited local resources, and share a critical public interest in avoiding the unnecessary expenditures and strain on local law enforcement that accompanies military deployment.

C. Actual and Threatened Militarization of Our Cities Disturbs Our Residents’ Well-Being and Our Local Economies.

Federal military presence, when deployed without cause, damages *amici*’s communities psychologically and economically. Far from feeling safer, residents report that federal soldiers’ occupancy of their cities causes anxiety, disrupts community harmony, and damages the local economy.¹⁹

Internal documents suggest that federal military leaders are aware that the Government’s actions are perceived as “leveraging fear,” driving a “wedge between citizens and the military.”²⁰ Experts note that the presence of troops in neighborhoods increases individuals’ perception of danger, not security.²¹ Rather than strengthening

¹⁹ Joshua Chapin, *Downtown DC Businesses Hope for Increased Foot Traffic After End To Federal Takeover*, ABC 7 News (Sept. 11, 2025), <https://perma.cc/HGX5-G7RQ> (noting drop in foot traffic in downtown Washington, D.C. after deployment of troops).

²⁰ Alex Horton, *National Guard Documents Show Public ‘Fear,’ Veterans ‘Shame’ Over D.C. Presence*, Wash. Post (Sept. 10, 2025), <https://perma.cc/S5QX-8VNB>.

²¹ Ed White & Christopher L. Keller, *Trump’s Push for More Troops in US Cities at Odds with Crime Stats*, Military Times (Aug. 29, 2025), <https://perma.cc/2RVT-E7GK>.

trust, applicants threaten to unravel decades of work that *amici* have invested in building trust with our communities. This is especially true when the federal troop deployments occur against the backdrop of the President’s hostile rhetoric and public statements that demean the capacity of local leaders.²²

Sending the National Guard to cities in response to demonstrations and alleged general crime will also cause local economies to suffer. Like City Respondent, *amici* represent local governments which depend on tax revenue generated by local businesses. *See* Mem. Supp. Pls.’ Mot. for TRO, D. Ct. Dkt. No. 13 at 48. Many *amici* rely upon tourism as a top generator of economic stability. Evidence shows that the National Guard presence in Washington D.C. and Los Angeles has caused abrupt declines in tourism,²³ restaurants have also lost business,²⁴ and major community events have reduced attendance.²⁵ Moreover, as discussed, the unnecessary deployment of federal law enforcement to American cities has historically provoked heightened civil unrest, which can exacerbate economic losses. Negative effects from the deployments are not confined—and surrounding counties also feel the effects. The

²² Megan Lebowitz, *Trump Says Gov. JB Pritzker and Chicago Mayor Brandon Johnson 'Should be in Jail'*, NBC News (Oct. 8, 2025), <https://perma.cc/5WJD-KWFT>.

²³ *See* Schwalb Decl., *D.C. v. Trump*, No. 25-cv-3005 (D.D.C. 2025), Dkt. No. 3-5, at ¶¶7, <https://perma.cc/BZ7A-8LDW>; Mimi Montgomery, *Trump Crackdown is Affecting D.C.’s Image and Tourism Numbers*, Axios D.C. (Aug. 29, 2025), <https://perma.cc/CR64-X3JY>.

²⁴ Milton Guevara, *How National Guard Troops in D.C. Are Affecting Restaurants in the Capital*, Nat’l Public Radio (Sept. 1, 2025), <https://perma.cc/6AU5-HENA>.

²⁵ Andrea Sachs & Federica Cocco, *D.C. Tourism Was Already Struggling, Then the National Guard Arrived*, Wash. Post (Aug. 29, 2025), <https://perma.cc/BRG6-4D7T>.

fear and confusion caused by deployment in Los Angeles, for example, spilled over to neighboring Santa Ana, where a “large part of the community stays home in fear,” depressing economic activity.²⁶

Local economies are likely to be affected not only by the presence of National Guard troops, but also by reputational injury associated with the President’s opprobrium that accompanies such deployment. The President has oscillated in his public justifications for deploying the National Guard; in some instances, he has advanced his belief that deployment is warranted to participate in regular policing. For instance, the Administration has authorized deployment of Guard troops to Washington D.C. and Memphis, Tennessee, to address what the President characterizes as widespread crime in those cities.²⁷ Likewise, the President’s military deployment threats directed at other *amici* are based on his unfounded and partisan assertions that those cities are “very bad.”²⁸ Even if untethered from the reality on the ground, the deployment unfairly and falsely validates the President’s assertions that these cities are crime-ridden and unsafe, harming their reputation and appeal

²⁶ *Immigration Raids and Military Presence Hurting Economy in Santa Ana, Employees Say*, ABC 7 News (Jun. 11, 2025), <https://perma.cc/NFP8-7E3B>.

²⁷ *See* Memorandum on Restoring Law and Order in Memphis (Sept. 15, 2025), <https://perma.cc/3MUP-8FBQ>; *see also* Memorandum on Restoring Law and Order in the District of Columbia, (Aug. 11, 2025), <https://perma.cc/2YEC-4UD4>.

²⁸ *Trump Hints He Could Send National Guard to Oakland*, Fox KTVU (Aug. 12, 2025), <https://perma.cc/QGT4-V755>.

to visitors.²⁹ By first casting these aspersions, and then deploying military personnel to these cities, the President inflicts serious reputational and concomitant economic harm.

The President also has suggested potential disruption of future international events—for which *amici* already have expended significant resources—under the guise of public safety concerns. For example, the President mused about relocating the World Cup from Boston, stating: “[T]hey’re taking over parts of Boston...we’ll go in and take them back...if I feel there’s unsafe conditions ... I would say, let’s move it to another location...I could say the same thing for the Olympics.”³⁰

Amici are further harmed by the President’s ongoing and planned deployment of National Guard troops because members of the National Guard are also residents of *amici*’s communities. They hold jobs, raise their families, and contribute to *amici*’s social fabric. Many deployed Guard members are missing family milestones and work, all while expressing shame about their present mission.³¹ Hundreds of members of the National Guard have left their families and local communities to travel hundreds of miles for an unlawful mission in Chicago. They are spending

²⁹ See Antje Blinde et al., *International Travelers Are Growing Skeptical of the U.S.*, Spiegel Int’l, (June 19, 2025), <https://perma.cc/26GH-JJJX> (documenting a drop of international tourism, and associated revenue and employment, to the U.S. and explaining that the Trump administration’s policies, as well as his “aggressive assault against relatively harmless demonstrations...send[] a clear message to the world: If you aren’t with me, you are against me.”).

³⁰ President Donald Trump, Remarks During Bilat with Javier Mele of Argentina in Washington, D.C. (Oct. 14, 2025) (transcript available via Roll Call, <https://perma.cc/ATU9-GKDE>).

³¹ Horton, *supra* n.20.

weeks at a government facility based on a version of the facts that the district court, after a thorough review of the record, found to be “inaccurate” and justified by “unreliable information.” D. Ct. Op. at 9–11. And, if the current government shutdown continues, they will soon be doing so without pay.³² At the same time, taxpayers are paying the massive price of these deployments—approximately \$400 million for D.C., \$134 million for Los Angeles, and an initial estimate of \$10 million for Oregon.³³

CONCLUSION

Amici, representing tens of millions of Americans, have a fundamental interest in ensuring that these unnecessary deployments cease and that the rule of law is restored. The public interest overwhelmingly supports maintaining the status quo, and this Court should deny the Government’s application for a stay.

³² Meredith Lee Hill & Jennifer Scholtes, *Trump’s troop pay move is a ‘temporary fix,’ Johnson says*, Politico (Oct. 15, 2025), <https://perma.cc/C8RE-BSR2>.

³³ Noah Robertson, *LA Deployments to Cost \$134 Million and Last 60 Days, Pentagon Says*, Military Times (June 10, 2025), <https://perma.cc/2N6D-ZPWH>; Andrew Schwartz, *National Guard Deployment—Estimated Cost: \$10 Million—Crawls Along*, Willamette Week (Oct. 1, 2025), <https://perma.cc/Z9X8-ZX8W>; Melody Gutierrez, *Trump’s Military Deployment in L.A. Cost \$120 Million, Newsom Says*, LA Times (Sept. 4, 2025), <https://perma.cc/H3FE-E9FC>; *see also* Marc Novicoff, *A Very, Very Expensive Way to Reduce Crime*, The Atlantic (Oct. 10, 2025), <https://perma.cc/LH3D-9CFB>.

Dated: October 20, 2025

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City of Alameda, California

City of Albany, New York

City of Albuquerque, New Mexico

City of Alexandria, Virginia

Allegheny County, Pennsylvania

City of Anaheim, California

City of Ann Arbor, Michigan

City of Baltimore, Maryland

City of Boston, Massachusetts

City of Burlington, Vermont

City of Cambridge, Massachusetts

Dane County, Wisconsin

City and County of Denver, Colorado

City of Evanston, Illinois

King County, Washington

City of Long Beach, California

City of Los Angeles, California

Los Angeles County, California

City of Madison, Wisconsin

City of Minneapolis, Minnesota

Monterey County, California
Montgomery County, Maryland
Multnomah County, Oregon
City of Newark, New Jersey
City of New Haven, Connecticut
City of New York, New York
City of Northampton, Massachusetts
City of Oakland, California
Pima County, Arizona
City of Pittsburgh, Pennsylvania
City of Portland, Oregon
City of Rochester, New York
City of Sacramento, California
City of St. Paul, Minnesota
City of San Diego, California
City of San José, California
County of Santa Clara, California
San Mateo County, California
City of Santa Monica, California
City and County of San Francisco, California
Sonoma County, California
City of Tucson, Arizona

City of West Hollywood, California

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Jesse Brown

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Xouhoa Bowen

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Chelsea Byers

Mayor, City of West Hollywood, California

Barb Byrum

Clerk, Ingham County, Michigan

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Mayor Pro Tem, Iowa Colony, Texas

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