

Testimony of David Seidman, Capital Rights Lab  
Before the D.C. Council Committee on the Judiciary and Public Safety  
March 9, 2026

Chairperson Pinto and members of the Committee, thank you for the opportunity to testify.

My name is David Seidman. I am Executive Director of Capital Rights Lab, a civil rights nonprofit fighting for expanded democratic rights for District residents. Our position is simple: we cannot wait for statehood to begin building the legal and institutional structures that protect self-governance.

The federal takeover attempt of the Metropolitan Police Department (MPD) last year proved why. I am here today to offer policy recommendations designed to protect our city against a future takeover, and to provide brief context on the interplay between the Home Rule Act, MPD, and the President.

In 1973, District residents successfully wrested control of local matters from Congress with the Home Rule Act, establishing for the first time a locally elected Mayor and Council and reaffirming that District residents enjoy the same powers of local self-government as all other Americans, including the ability to create institutions of local government, like the police, as they see fit.

The Act included a single, narrow provision referencing the President: Section 740. Section 740 provides that if the President “determines that special conditions of an emergency nature exist,” he may require that the Mayor “provide such services” as he deems necessary for “federal purposes.” That authority is time-limited: it may operate for up to 48 hours, and it can continue beyond that only with written notice to Congress. In all events, it terminates when the emergency ends or within 30 days, whichever comes first.

Last August, after a widely publicized assault on a former DOGE employee, President Trump declared that the District was “totally out of control,” echoing his previous comments that DC was a “shithouse” and a “dirty, crime-ridden death trap” that must be “taken over.”<sup>1</sup> On August 11, 2025, he signed an executive order declaring a “crime emergency” and invoking Section 740. Attorney General Bondi then attempted to install the DEA Administrator, Terry Cole, as “Emergency Police Commissioner” and to displace the authority of MPD Chief Pamela Smith.

The District sued, arguing that no Section 740 emergency existed because violent crime had fallen sharply. In court, a federal judge indicated she would grant emergency relief to

---

<sup>1</sup> Michael Laris & Ellie Silverman, Trump Has Repeatedly Insulted the Nation's Capital. What's the Reality?, Wash. Post (Feb. 2, 2025), <https://www.washingtonpost.com/dc-md-va/interactive/2025/trump-words-dc/>.

block the attempted leadership takeover. The Department of Justice then reversed course and agreed that Chief Smith would remain in operational control during the Section 740 period. When the period expired, the District voluntarily dismissed the case.

The question for the Council today is: what happens if a future President invokes Section 740 during a time of rising crime?

First, some historical context. While Section 740 does not define “emergency,” the legislative history makes clear what types of events rise to that level, and makes equally clear that general dissatisfaction with local policing does not. When Congress considered the provision, members looked to the history of National Guard deployment in the District to understand what might constitute an emergency: mass civil disturbance after Dr. King’s assassination, and the 1971 May Day protests against the Vietnam War, when more than 12,000 people were arrested.<sup>2</sup>

Because the President already has far greater unilateral authority to deploy the Guard as Commander in Chief than to requisition a local police department under Section 740, the bar for an MPD takeover must be higher, not lower. And Congressional leaders, with input from then-MPD Chief Jerry Wilson, set the bar high citing urban rioting or direct threats that would prevent the daily opening of the federal government.<sup>3</sup>

Of course, when the federal government faced that exact kind of threat during the attack on the U.S. Capitol on January 6, 2021, MPD responded immediately and at great cost. In response to urgent requests from federal partners, MPD deployed roughly 1,000 officers. Dozens were injured. One was dragged into the mob, beaten, and tased; he suffered a heart attack and traumatic brain injury. MPD’s willingness to act in a genuine seat-of-government emergency is not being questioned. The problem is the risk that Section 740 becomes a mechanism to override municipal self-government.

So what affirmative steps can the District take, now, to prevent or mitigate the consequences of a President invoking Section 740 to pursue a political agenda rather than to meet a true federal emergency?

I have two recommendations.

First, firewall MPD’s civilian intelligence, data, and technology infrastructure from Section 740 by relocating those functions outside MPD.

---

<sup>2</sup> Record of Military Support to Civil Authorities by District of Columbia National Guard, reprinted in Legislative History of the District of Columbia Self-Government and Governmental Reorganization Act, Pub. L. No. 93-198, vol. 2, at 1566.

<sup>3</sup> Letter from Jerry V. Wilson, Chief of Police, Metropolitan Police Dep’t, to Hon. Charles C. Diggs, Jr., Chairman, H. Comm. on the District of Columbia (Sept. 1973), reprinted in Legislative History of the District of Columbia Self-Government and Governmental Reorganization Act, Pub. L. No. 93-198, vol. 2, at 1493–94.,

Section 740 applies only to the “Metropolitan Police force.” MPD includes sworn officers with arrest authority, but it also includes a substantial civilian workforce that operates the Department’s intelligence, analytical, and technology infrastructure, functions that shape how modern policing is targeted, measured, and carried out. Those civilian functions include real-time situational awareness, analytical services, and the management of key records and data systems used across the criminal-legal system.

By transferring these civilian functions to the D.C. Homeland Security and Emergency Management Agency (HSEMA), the Council can insulate the District’s intelligence, surveillance, and data infrastructure from a Section 740 requisition, while still providing the same services to the same MPD officers under local control.

The statutory framework for housing sensitive intelligence-support functions outside MPD already exists. HSEMA houses the D.C. Fusion Center, which is designated for intelligence sharing purposes while explicitly withholding arrest authority. Building on that model by relocating additional civilian infrastructure would have two clear advantages.

First, it would reduce the political impetus to invoke Section 740 in the first place. A President who requisitions MPD expecting to inherit a fully integrated, modern police department would instead receive only a patrol force without the District’s intelligence infrastructure. Second, if a President did invoke Section 740, they would be severely limited in their ability to force a political agenda on District residents, because MPD would not have access to records or predictive analytics about residents’ immigration status or criminal history, or about neighborhood-level enforcement patterns.

Second, pre-negotiate a Section 740–specific mutual aid and continuity plan with willing regional partners. The legal authority already exists. D.C. law authorizes the Mayor to enter reciprocal police mutual aid agreements with counties and municipalities in Maryland and Virginia, and to grant responding officers full enforcement authority within the District. The District is also a member of the Emergency Management Assistance Compact, which provides a legal framework for sharing personnel across states. And the National Capital Region already operates under mutual aid agreements involving dozens of federal, state, local, and military agencies.

What the District lacks is an agreement specifically designed for a Section 740 scenario: one that backfills core municipal public-safety functions while MPD is redirected for federal purposes.

The timing for negotiation is right. Maryland has recently moved to restrict certain forms of state and local deputization for federal civil immigration enforcement, and Virginia has taken steps to terminate certain state-agency cooperation agreements with federal law enforcement. These jurisdictions are potential willing partners for a people-first

community framework focused on 911 response, violence prevention, and neighborhood patrol, rather than on federal political mandates.

A pre-negotiated compact would ensure that if a requisitioned MPD is redirected toward federal enforcement priorities, District residents still have local officers responding to emergency calls, investigating violent crime, and patrolling neighborhoods. And like the services firewall, it carries a deterrent effect: a President who requisitions MPD expecting to control day-to-day municipal policing would instead find that the District has preserved municipal autonomy by relying on officers who answer to their own locally elected leadership, are not subject to Section 740, and will not enforce a federal political agenda against District residents.

The Home Rule Act was not a gift. It was a hard-fought transfer of power from Congress to the people of this city. Section 740 was a narrow exception to that transfer, designed for genuine emergencies that threaten federal operations. It was not designed to let a President override local policing priorities because he does not like the way we choose to run our city.

The District alone cannot stop a President from invoking Section 740, but the Council is not powerless. You can act now to ensure that the next time a President threatens a federal takeover, the resources available are less valuable, the damage is contained, and District residents are better protected.

Thank you. I am happy to answer any questions.