

A D D E N D U M
to
ICE UNDER FIRE: THE RADICAL LEFT’S
CRUSADE AGAINST
IMMIGRATION ENFORCEMENT

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Submitted by Ranking Member Padilla:

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WRITTEN STATEMENT OF
THE AMERICAN CIVIL LIBERTIES UNION

The Harmful Impact of Immigration Enforcement on American Communities

Submitted to the Senate Judiciary Committee

November 19, 2025

For a Hearing on

“ICE Under Fire: The Radical Left’s Crusade Against Immigration Enforcement”

American Civil Liberties Union, National Political Advocacy Department

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On behalf of the American Civil Liberties Union (ACLU), our more than 4 million members, supporters and activists, and our 53 affiliates nationwide, I submit this statement for the record to bring attention to the grave harm suffered by American communities due to the government's escalation of immigration enforcement actions in our nation's interior. This statement also addresses the First Amendment right to record law enforcement activity.

Protecting Our Rights Under Attack – The ACLU's Work In this Moment

For more than 100 years, the ACLU has fought to ensure the promise of the Constitution and expand its reach to people historically denied its protections. In recent months, the ACLU has filed more than 200 legal actions challenging the second Trump administration's attacks on our rights, particularly those occurring under the auspices of "immigration enforcement." These cases and advocacy efforts, in partnership with community members and organizations, include the following:

- We have twice blocked the administration's unconstitutional attacks on birthright citizenship, protecting the rights to citizenship of over 93,000 babies who were born since its executive order was issued;
- We have repeatedly blocked the administration from unlawfully deporting people without due process under the Alien Enemies Act;
- We have sued to stop federal agents' abuses in immigration raids and warrantless arrests in Los Angeles, Chicago, Colorado, and Washington, D.C.;
- We have freed immigrant students and scholars who were arrested in retaliation for their speech, including Mahmoud Khalil, Rümeysa Öztürk, Badar Khan Suri, and Mohsen Mahdawi;
- We have brought litigation challenging substandard, and often appalling, immigration detention conditions at Guantánamo Bay in Cuba; California City Detention Center in California; 26 Federal Plaza in New York; and the Everglades facility known as "Alligator Alcatraz" in Florida, among other locations. ACLU affiliates in Illinois California have filed litigation on detention conditions, as well.
- We are fighting for families and parents—to end the dangerous detention of pregnant people, where they have suffered miscarriages and medical neglect, to stop the "deportation" of American citizen children with their parents, and to fight attacks on unaccompanied children. In October, a federal judge granted our request to block the administration from excluding 310,000 preschoolers who are immigrants from Head Start, a federal program providing free education and development services to families and kids.¹

¹ Hibah Ansari, "Federal Judge Blocks Trump Effort to Bar Some Immigrant Families From Head Start," ACLU, Oct. 2, 2025, <https://www.aclu.org/news/womens-rights/federal-judge-blocks-trump-effort-to-bar-some-immigrant-families-from-head-start>.

We are on the ground in all 50 states, where we are:

- Surging Know Your Rights trainings and legal support to our communities;
- Fighting in state legislatures, city councils and on the streets to protect our rights-- through our Firewall for Freedom campaign, we have won more than 80 changes at the state and local level in recent months;
- Alongside our communities, demanding accountability and oversight over new immigration detention camps in our backyards, dangerous collaborations with Immigration and Customs Enforcement (ICE) through its 287(g) program, and the deployment of National Guard units in our streets and for immigrant detention.

We recently helped mobilize more than 7 million people in more than 2,700 peaceful events held in all 50 states and D.C. in October's No Kings protests.

The ACLU is grateful to work in partnership with Ranking Member Durbin and the many members of this Committee who are supporting constituents and impacted family members by visiting immigrant detention sites, demanding access to your detained constituents, and bearing witness to abuses on the ground. We are grateful for your work to hold federal agents accountable and demand answers of this administration, as it commits abuses in the name of immigration enforcement.

The Administration's "Immigration Enforcement" Attack on American Communities, Families and Children

Like many Americans, I am horrified by the videos, images and reports from the ground that I have seen in the last few months. Reports that include, for example:

- Kids teargassed on their way to celebrate Halloween in their local school parking lot;²
- Federal law enforcement firing tear gas on residential streets, exposing at least 13 local police officers; firing tear gas near a grocery store, exposing older people and children with families; and firing tear gas into an open car window, exposing a one-year-old baby who then reportedly struggled to open her eyes and breath;³
- A 79-year-old business owner violently slammed to the pavement outside the car wash he owns, despite being a U.S. citizen;⁴

² Tr. Of Proceedings, *Chicago Headline Club v. Noem*, 25-cv-12173 (N.D. Ill., Oct. 28, 2025), Dkt. No. 144; see also ACLU of Illinois, *Chicago Headline Club v. Noem*, <https://www.aclu-il.org/en/cases/chicago-headline-club-v-noem>.

³ Christine Fernando, "Protesters on Chicago's South Side are teargassed after high-speed Border Patrol chase ends in arrest," Associated Press, Oct. 15, 2025, <https://www.pbs.org/newshour/nation/protesters-on-chicagos-south-side-are-teargassed-after-high-speed-border-patrol-chase-ends-in-arrest>; Richard Luscombe, "ICE agents accused of pepper-spraying Illinois parents and their one-year-old," The Guardian, <https://www.theguardian.com/us-news/2025/nov/11/ice-agents-pepper-spray-man-baby-daughter>.

⁴ Doc Louallen, "79-year-old US citizen claims ICE agents body-slammed him at his business, seeks \$50M," ABC News, Sept. 27, 2025, <https://abcnews.go.com/US/79-year-us-citizen-claims-ice-agents-body/story?id=125978834>.

- A 67-year-old U.S. citizen dragged from his car and thrown to the ground, breaking six ribs, as children in Halloween costumes looked on in horror;⁵
- Federal agents wrongfully arresting a U.S. citizen at a Home Depot—then driving away with his one-year-old child;⁶
- Federal agents approaching a car with guns drawn, smashing the window and forcing a man out while his one-month-old baby and U.S. citizen partner were in the car;⁷
- Armed immigration agents dragging a teacher out of a daycare in front of toddlers, terrifying kids and parents;⁸
- ICE agents twice arresting a U.S. citizen while he was helping build new homes, keeping him restrained even after he showed his REAL ID;⁹
- ICE almost deporting a Native American woman, despite documentation of her citizenship;¹⁰

In the name of enforcing our nation’s immigration laws, federal agents have broken dozens of our laws and agency policies. Through these actions, they have also broken the faith of the American communities they are meant to protect and betrayed their oath to our Constitution.

Federal agents have brandished weapons and chased food delivery workers, menacing our vibrant downtown streets.¹¹ In Chicago last month, they rappelled from Black Hawk helicopters, descending on an apartment building where half-clad children were hauled from their beds and reportedly zip-tied.¹²

⁵ Andrea Cavallier, “US citizen, 67, ‘has ribs broken’ by Border Patrol agents after being dragged out of car while driving home into street they’d blocked off,” The Independent, Oct. 28, 2025, <https://www.yahoo.com/news/articles/us-citizen-67-six-ribs-185927801.html>.

⁶ Associated Press, “Federal agents drive off with 1-year-old girl after arresting her father in Los Angeles,” Nov. 5, 2025, <https://apnews.com/article/immigration-agents-child-arrest-los-angeles-home-depot-2681d62ec00efb09ebe76c47ecedf6c0>.

⁷ Priscilla Waggoner, “ICE agents draw weapon, break car window while arresting Alamosa man,” Alamosa News, Oct. 1, 2025, <https://www.alamosanews.com/stories/ice-agents-draw-weapon-break-car-window-while-arresting-alamosa-man,103677>.

⁸ Patrick Fazio and Alex Dvorak, “Teacher pulled out of Chicago daycare by armed ICE agents, alderman says,” BNC Chicago, <https://www.nbcchicago.com/news/local/teacher-pulled-out-of-chicago-daycare-by-armed-ice-agents/3847934/>.

⁹ Joshua Windham, “A U.S. citizen was detained by ICE twice – now he’s fighting back,” MS.NOW, Oct. 22, 2025, <https://www.ms.now/opinion/msnbc-opinion/ice-detained-us-citizen-immigration-crackdown-lawsuit-rcna238744>.

¹⁰ Malcolm Ferguson, “ICE Almost Deports Native American Woman,” The New Republic, Nov. 14, 2025, <https://newrepublic.com/post/203195/ice-almost-deports-native-american-woman-arizona>.

¹¹ See Priscilla Waggoner, “ICE agents draw weapon, break car window while arresting Alamosa man,” Alamosa News, Oct. 1, 2025, <https://www.alamosanews.com/stories/ice-agents-draw-weapon-break-car-window-while-arresting-alamosa-man,103677>; Dan Gooding, “ICE Agent Points Gun at Pregnant Woman During Arrest,” Newsweek, Oct. 23, 2025, <https://www.newsweek.com/ice-agent-pregnant-woman-firearm-illinois-10922067>; ABC7 Chicago, “ICE agent drops gun, appears to point it at bystanders during arrest in Maryland,” Sept. 28, 2025, <https://abc7chicago.com/post/ice-agent-drops-gun-appears-point-bystanders-during-arrest-prince-georges-county-maryland-video/17892345/>; Washington Post, “How Washington Became a Testing Ground for ICE,” Oct. 1, 2025, <https://www.nytimes.com/2025/10/01/us/politics/washington-dc-ice.html>.

¹² Sophia Tareen, “Using helicopters and chemical agents, immigration agents becoming increasingly aggressive in Chicago,” AP News (Oct. 6, 2025).

ProPublica recently identified more than 170 U.S. citizens detained by federal immigration agents at raids and protests, including nearly 20 children, two of whom have cancer.¹³ Federal agents have relied on perceived race or ethnicity to select who to stop, conducted suspicionless stops, executed warrantless home raids and carried out illegal worksite operations—violating the Fourth Amendment.¹⁴ For Americans — especially Black people and brown people—in cities where immigration enforcement is escalating, there is a grave risk of being wrongfully detained and even physically assaulted by law enforcement who ignore evidence of US citizenship.

These actions rupture families and hurt children. A September 2025 CNN report identified more than 100 U.S. citizen children—from newborns to teenagers—who have been left without their parents to due immigration enforcement actions.¹⁵ An estimated 5.62 million U.S. citizen children live with parent or other household member who is undocumented—a number of children that may grow, as the Trump administration strips more people of Temporary Protected Status and other legal protections.¹⁶ These millions of children must cope with the anxiety of not knowing whether their parents and other caregivers will be taken from them, and many live in fear of police and are afraid to attend school.¹⁷

This nationwide immigration escalation affects all Americans, even those without a loved one who is an immigrant. Right now, masked agents dressed in camouflage are deployed in communities across the country. On numerous neighborhood list-servs and WhatsApp groups neighbors report seeing these agents near schools, outside churches and in store parking lots. Millions of Americans have experienced a sense of harm and instability, as a result. Black and immigrant communities, which already experience gun violence and policing harms, are bearing the brunt in grave ways. Regardless of citizenship, communities of color are at heightened risk of

¹³ Nicole Foy, “We Found That More Than 170 U.S. Citizens Have Been Held by Immigration Agents. They’ve Been Kicked, Dragged and Detained for Days,” ProPublica, Oct. 16, 2025, <https://www.propublica.org/article/immigration-dhs-american-citizens-arrested-detained-against-will>.

¹⁴ *In Vasquez Perdomo v. Noem*, plaintiffs challenged federal law enforcement practices in Los Angeles that relied on four combined factors — apparent race/ethnicity, speaking Spanish or English with an accent, presence in particular locations (e.g. near car washes, bus stops), and job type (e.g. day labor) — to detain people without individualized suspicion. The District Court found those practices likely unconstitutional and issued an injunction barring them in the L.A. area. In September 2025, the U.S. Supreme Court (on the “shadow docket,” with no full briefing or oral argument) stayed the injunction, effectively allowing ICE to resume using those profiling-based stops while litigation continues. The Court’s order sparked concern that it authorizes racial profiling by law enforcement. In reality, *Perdomo* is a procedural stay that does not change existing constitutional limits on racial or ethnic profiling.

¹⁵ Blake Ells, Melanle Hicken, Anna-Maja Rappard and Kyung Lah, “Are Mom and Dad not coming home?”: American kids left stranded when ICE takes their parents, CNN, Sept. 23, 2025, <https://www.cnn.com/2025/09/23/politics/us-citizen-children-separated-parents-deported-ice-invs>.

¹⁶ Matthew Lisiecki, Kevin Velasco, and Tara Watson, “What will deportations mean for the child welfare system?,” April 22, 2025, Brookings Institution, <https://www.brookings.edu/articles/what-will-deportations-mean-for-the-child-welfare-system/>.

¹⁷ Moriah Balingit, “Federal surge has taken a toll on children of immigrants in Washington,” Associated Press, Sept. 17, 2025, <https://www.pbs.org/newshour/politics/federal-surge-has-taken-a-toll-on-children-of-immigrants-in-washington>.

being profiled and stopped, which in this context, can mean federal agents aiming guns at them and their children, and being dragged from their cars.

This is not the America we want our children to see, nor is it an America that can be called safe and free. No parent should have to live in fear that when they go to school drop off, church or the grocery store, their child may witness what too many of us have witnessed: A person going about daily life and suddenly swarmed by masked agents who refuse to show their badge or say who they are; masked agents who smash car windows without warning¹⁸ or shoot pepper spray into cars with babies still harnessed in their car seats;¹⁹ or masked agents who slam old people to the ground and force Americans into unmarked vans.

Every person who calls this country home is harmed by the Trump administration's immigration enforcement agenda. Its actions intimidate and terrorize our neighbors and families. Its actions are choreographed, often with videographers and public relations staff brought along to record arrests and then broadcast for wide viewership. Its actions aim to spread fear and cause people to flee the country they call home.

What we have already seen from the administration is disturbing enough, but if White House Deputy Chief of Staff Stephen Miller's ambitions are realized, even more Americans will be impacted—in four particular ways I outline below.

First Amendment Attacks

Federal agents have threatened peaceful protesters and physically assaulted them—including veterans, members of the clergy and the elderly. Federal agents have used tear gas, pepper balls, rubber bullets and flash baton grenades—sometimes without warning. For example:

- In Portland, federal agents reportedly pushed an 84-year-old Vietnam veteran off his walker and fired a projectile on his wife, causing a concussion.²⁰
- In Southern California, DHS shot a reporter in the thigh with a pepper ball while she was covering demonstrations in downtown Los Angeles. The very next day, she was covering a protest near a Home Depot and DHS shot her again in the head with a projectile round.²¹

¹⁸ See Nicole Foy and McKenzie Funk, "We'll Smash the Fucking Window Out and Drag Him Out," ProPublica, July 21, 2025, <https://projects.propublica.org/trump-ice-smashed-windows-deportation-arrests/> (documenting nearly 50 cases of immigration agents breaking vehicle windows).

¹⁹ See, e.g., Associated Press, "Dad says he and his toddler were pepper sprayed by federal immigration agents," Nov. 10, 2025, <https://www.nbcnews.com/news/us-news/chicago-family-pepper-spray-allegations-ice-immigration-cicero-rcna242536>; Taylor Dolven, "'There's a baby!' ICE agents stop Alamosa family at gunpoint, smash car window," The Colorado Sun, Oct. 1, 2025, <https://coloradosun.com/2025/10/01/ice-alamosa-arrest-gunpoint-infant/>.

²⁰ See Gosia Wozniacka, "Federal Agents Knock Down Elderly Couple During Portland Protest," The Oregonian/OregonLive (Oct. 4, 2025).

²¹ ACLU of Southern California, "L.A. Press Club. V. Noem," <https://www.aclusocal.org/en/cases/la-press-club-v-noem>; First Amended Complaint for Declaratory and Injunctive Relief, *L.A. Press Club v. Noem*, Case No. 2:25-CV-05563-HDV-E (October 16, 2025).

- In Chicago, Pastor David Brown of the First Presbyterian Church of Chicago was repeatedly shot in the head with near-lethal projectiles and sprayed in the face with tear gas, without any warning or dispersal order, while he was in a traditional Christian posture of prayer.²²

The Freedom of the Press Foundation has tracked multiple reports of violence against journalists by law enforcement this year.²³

Despite an Illinois federal district court order enjoining excessive force against protestors and others in retaliation for their First Amendment activities, the abuses have continued.²⁴ “Bang, bang, and you’re dead, liberal,” a federal agent told a combat veteran who was peacefully protesting on the side of the road, while pointing a PepperBall gun and a firearm at him,” as the court recently noted.²⁵

The First Amendment Right to Record Law Enforcement Activity

Federal agents have threatened people observing and recording federal law enforcement activity with arrest. In September 2025, a DHS spokesperson stated that “videotaping ICE law enforcement and posting photos and videos of them online is doxing our agents,” adding that “(w)e will prosecute those who illegally harass ICE agents to the fullest extent of the law.”

In reality, taking photographs and video of things that are plainly visible in public spaces is a constitutional right—and that includes police and other government officials carrying out their duties.²⁶ Specifically, the First Amendment protects the right to photograph and video police conduct occurring in public both because it protects the right to gather information about what public officials do on public property, and because it protects the right to record matters of public interest.²⁷ This includes the right to livestream such content.²⁸

²² ACLU of Illinois, “Protesters and Members of the Press Challenge First Amendment Violations by Federal Forces at ICE Facility in Broadview, Illinois,” Oct. 6, 2025,

<https://www.aclu-il.org/en/press-releases/protesters-and-members-press-challenge-first-amendment-violations-federal-forces-ice>

²³ See U.S. Press Freedom Tracker, Incident Database, <https://pressfreedomtracker.us/all-incidents/?search=ICE&endpage=2>. See also CBS News, “Pepper ball fired at CBS Chicago reporter part of incidents involving media outside Broadview ICE facility” (Sept. 29, 2025), <https://www.cbsnews.com/chicago/news/incidents-involving-media-outside-broadview-ice-facility/>.

²⁴ See Tr. Of Proceedings, *Chicago Headline Club v. Noem*, 25-cv-12173 (N.D. Ill., Oct. 28, 2025), Dkt. No. 144.

²⁵ *Id.*

²⁶ ACLU of Illinois, “ACLU of Illinois Responds to DHS Claims That it Will Prosecute People for Recording ICE Officers on our Streets,” Sept. 9, 2025, <https://www.aclu-il.org/en/press-releases/aclu-illinois-responds-dhs-claims-it-will-prosecute-people-recording-ice-officers-our>.

²⁷ *Smith v. City of Cumming*, 212 F.3d 1332, 1333 (11th Cir. 2000). See also *Fields v. City of Philadelphia*, 862 F.3d 353, 358–59 (3d. Cir. 2017); *Turner v. Lieutenant Driver*, 848 F.3d 678, 688 (5th Cir. 2017); *Glik v. Cunniffe*, 655 F.3d 78, 82 (1st Cir. 2011); *ACLU of Ill. v. Alvarez*, 679 F.3d 583, 600 (7th Cir. 2012); *Fordyce v. City of Seattle*, 55 F.3d 436, 438–39 (9th Cir. 1995).

²⁸ See *Sharpe v. Winterville Police Dep’t*, 59 F.4th 674, 681 (4th Cir. 2023); *Fields v. City of Phila.*, 862 F.3d 353, 358–59 (3d. Cir. 2017); *Glik v. Cunniffe*, 655 F.3d 78, 82 (1st Cir. 2011).

Courts have also held that the First Amendment specifically protects identifying officers. For example, the Eleventh Circuit has held that the First Amendment protects recording police officers, their name badges, and license plates on their vehicles, and saying an officer's name out loud on video.²⁹

Border Patrol's Ascendancy

In the coming months, we anticipate continued, major deployments of federal agents to American cities, led by Border Patrol leadership recently installed at Immigration and Customs Enforcement (ICE). We have already witnessed Border Patrol's control of operations in Los Angeles, Chicago and now Charlotte, North Carolina.

Bringing Border Patrol, with its agency culture of abuse and impunity, to more American cities will put our communities in danger, including Americans who will be racially profiled or simply be caught up in operations during the course of daily life. In the last 15 years, at least 200 people have died as a result of encounters with Border Patrol. That number includes 70 people killed as a result of officers using force, six people killed in cross-border shootings with impunity, and more than 100 fatalities from Border Patrol-led car chases. Upon taking office, the Trump administration rescinded a hard-won agency policy to restrict these dangerous car chases.³⁰

Over the years, the ACLU and our partners have documented numerous abuses by Border Patrol agents against border communities, including at checkpoints and by roving patrols which Border Patrol operate within 100 miles of the border. Their role is to identify individuals who arrived in the U.S. without inspection and those who may be transporting illicit drugs into the country. But now, Border Patrol agents are going well beyond that mandate, patrolling deeper into the interior of the country and in some of our largest cities, and supporting a broader federal enforcement operation. This is concerning not only because of the Border Patrol's troubling track record but also because they are not trained in general, street-level immigration enforcement. Indeed, in the 100-mile zone, Border Patrol has incorrectly and illegally detained U.S. citizens and other lawful residents who live in the border; expanding their mandate to the interior goes beyond their training and is already inviting unlawful arrests.³¹

Surveillance of Americans

The Trump administration's deployment of federal agents will also threaten the privacy rights of millions of Americans. Among a myriad of new and developing surveillance measures is DHS's

²⁹ *Khoury v. Miami-Dade Cnty. Sch. Bd.*, 4 F.4th 1118, 1122, 1129 (11th Cir. 2021); *Toole v. City of Atlanta*, 798 F. App'x 381, 383, 388 (11th Cir. 2019).

³⁰ Sarah Mehta, "Border Patrol Agents Replace Top Leadership at ICE Offices Despite Human Rights Violations," ACLU, Nov. 6, 2025, <https://www.aclu.org/news/immigrants-rights/border-patrol-agents-replace-top-leadership-at-ice-offices-despite-human-rights-violations>.

³¹ ACLU, "American Exile: Rapid Deportations that Bypass the Courtroom," Dec. 3, 2014, <https://www.aclu.org/publications/american-exile-rapid-deportations-bypass-courtroom>; William Finnegan, The Deportation Machine, the New Yorker, April 22, 2013, <https://www.newyorker.com/magazine/2013/04/29/the-deportation-machine>.

new face recognition app called Mobile Fortify. Federal agents are using this app to take our photographs and retain them in government databases. It has taken steps to deploy a version of the app to state and local law enforcement officers designated by the 287(g) program to assist DHS efforts.³² The app, which only came to light through leaked emails and documents obtained by 404Media, allows agents to point a phone at anyone in public, compare their faces against a variety of government databases containing 200 million images, and get instant access to their name, date of birth, and a potentially deep well of data within those databases.³³

Rep. Thompson, Ranking Member of the House Homeland Security Committee, stated that ICE indicated that it treats Mobile Fortify as a “definitive” determination of a person’s status and that an ICE officer may ignore evidence of American citizenship, including a birth certificate, when the app says a person is undocumented. As Rep. Thompson noted, this is “a frightening, repugnant, and unconstitutional attack on Americans’ rights and freedoms.”³⁴ It is a recipe for illegal detention of American citizens, particularly because face recognition has proven less accurate when used on Black people and other people with darker skin. It is also troubling that CBP will retain all photographs, including that of U.S. citizens, as part of DHS’s Automated Targeting System (ATS), the foundation for DHS’s myriad watchlists.³⁵

Building A National Paramilitary Policing Force

Since June, the president has claimed unreviewable authority to deploy federal troops to American cities, without geographic or temporal limit, in response to political protests against federal policies and immigrant abuses.³⁶ In late September 2025, the president told a large assembly of senior military officials that troops should use American cities as “training grounds” for the military.³⁷

We anticipate continued deployments of federal agents and threats involving deployment and use of military troops to police our communities. In particular, we anticipate continued deployment of Border Patrol and the misuse of military resources and personnel, funded by the

³² Joseph Cox, “DHS Gives Local Cops a Facial Recognition App To Find Immigrants,” 404Media, Nov. 4, 2025, <https://www.404media.co/cbp-quietly-launches-face-scanning-app-for-local-cops-to-do-immigration-enforcement/>.

³³ Joseph Cox, “You Can’t Refuse To Be Scanned by ICE’s Facial Recognition App, DHS Document Says,” 404Media, Oct. 31, 2025, <https://www.404media.co/you-cant-refuse-to-be-scanned-by-ices-facial-recognition-app-dhs-document-says/>.

³⁴ Joseph Cox, “ICE and CBP Agents Are Scanning Peoples’ Faces on the Street To Verify Citizenship,” 404Media, Oct. 28, 2025, <https://www.404media.co/ice-and-cbp-agents-are-scanning-peoples-faces-on-the-street-to-verify-citizenship/>.

³⁵ See Jay Stanley, “Face Recognition and the ‘Trump Terror’: A Marriage Made in Hell,” ACLU, Nov. 13, 2025, <https://www.aclu.org/news/privacy-technology/ice-face-recognition>.

³⁶ See Memorandum from Donald J. Trump, President, to the Sec’y of Defense, et. Al., Department of Defense Security for the Protection of Department of Homeland Security Functions (June 7, 2025).

³⁷ Avery Lotz, “Trump says military should use U.S. cities as ‘training grounds,’” Axios, Sept. 30, 2025, <https://www.axios.com/2025/09/30/trump-military-training-grounds-chicago-portland>.

unprecedented \$170 billion in immigration enforcement that Congress appropriated in summer 2025.³⁸

Deploying military troops and masked federal agents is part of something larger that is happening under our noses. The Trump administration is attempting to build out a sprawling national paramilitary policing force—intended to further the president’s political agenda and be accountable only to him. First, the administration is cannibalizing federal law enforcement agencies—pulling thousands of agents off their assigned jobs to fight drug trafficking, organized crime, and consumer fraud—into one force. According to the CATO Institute, 25,000 federal law enforcement officers have been diverted to immigration enforcement.³⁹

Second, the administration is moving to pull in thousands of state and local police officers, too – building out “task forces” for immigration and criminal enforcement that blur the lines between local police, federal law enforcement, and the military.⁴⁰

In immigration enforcement street arrests and detention sites, we already see that the administration is intentionally blurring the lines of law and accountability that limit federal law enforcement, the military, and state and local police to their proper roles. The legal and ethical constraints that govern each of the law enforcement agencies involved, as well as the military, are critically important.

Pushing Back Through State and Local Action – Building Firewalls for Freedom

As the threats continue to grow, we need even more concrete protections. The ACLU and our partners are working with states and cities to limit or withdraw from partnerships with the Trump administration that are being used to attack our neighbors and loved ones, like ICE’s expanding 287(g) program. In 2026, governors and legislatures in upcoming state legislative sessions will enact measures to protect our communities, including by ensuring that no state employee volunteers state and local resources, such as data and equipment, to federal personnel who would use it to violate our rights. They will pass measures to support our schools, healthcare facilities, libraries, and shelters in establishing protocols to limit law enforcement access without a warrant so that they are safer for our community members to visit. We will continue to fight secret police-style tactics and build a firewall for freedom.

Conclusion

Congress, in particular, holds a vital role in shining a light on agency misdeeds, getting information to constituents, and demanding accountability for this administration’s abuses of

³⁸ Juliana Kim, “How Trump’s tax cut and policy bill aims to ‘supercharge’ immigration enforcement,” NPR, July 3, 2025, <https://www.npr.org/2025/07/03/g-s1-75609/big-beautiful-bill-ice-funding-immigration>.

³⁹ David J. Bier, “ICE Has Diverted Over 25,000 Officers from Their Jobs,” Cato Institute, Sept. 3, 2025, <https://www.cato.org/blog/ice-has-diverted-over-25000-officers-their-jobs>.

⁴⁰ Naureen Shah, “How Expanded 287(g) Program Turns Local Police Into Deportation Agents,” ACLU, Sept. 10, 2025, <https://www.aclu.org/news/immigrants-rights/how-expanded-287g-program-turns-local-police-into-deportation-agents>.

power. The ACLU stands ready to work with Congress to protect our Constitution, our rights and our democracy.

Thank you for your time and attention to these matters. I can be reached at nshah@aclu.org for further information.



— STATEMENT FOR THE RECORD —

Senate Judiciary Subcommittee on Border Security and Immigration Hearing
ICE Under Fire: The Radical Left's Crusade Against Immigration Enforcement
Wednesday, November 19, 2025

The AFL-CIO is a federation of 64 affiliated unions representing more than 15 million workers across all sectors of our economy. Our members work in every state in the nation and they come from every region of the world. Like the workforce as a whole, our membership consists of people with all types of immigration status. Together, we strive to ensure that every person who works in this country receives decent pay, good benefits, safe working conditions, and fair treatment on the job.

The labor movement is united around a comprehensive approach to immigration reform and labor law enforcement that lifts standards for all workers. Immigrants and refugees have always played a vital role in building our country and our labor movement, and today is no different. However, politicians attempting to distract from the real issues facing our nation have elevated efforts to criminalize and target immigrants to a level that puts our core democratic values and institutions at risk.

Cities and states around the country are taking steps to establish clear limits on immigration enforcement because they refuse to undermine other essential functions of government. The role of our public schools is to educate our population. The role of our courts is to resolve disputes and interpret the laws. The role of our labor agencies is to enforce minimum workplace standards. The role of our hospitals is to heal the sick. The role of local police is to ensure community safety. These public institutions should never be forced to compromise their vital purposes by becoming an arm of the ever-expanding deportation machinery.

Forcing immigration enforcement presence into all aspects of public life will make our country less safe and less just. It will also lead us to see more illness, and more exploitation in our communities. Evidence of this is everywhere. School attendance is down. Workers are running away from labor inspectors at job sites. Women are not reporting domestic violence incidents. People are refusing to seek needed medical care. Natural disaster survivors are even afraid to enter shelters.

The heightened fear in our workplaces and communities directly undermines the common good and erodes our freedom to join together and fight to lift working and living standards for all. Working people understand this, which is why we have been at the forefront of efforts to ensure sensible legal protections in communities across the country.

Community trust policies increase wellbeing and safety by strengthening the trust between immigrant community members and local government, particularly law enforcement. Strong policies prevent racial profiling and questioning people about their immigration status; stop detention without a warrant; create clear boundaries for immigration enforcement in public spaces; and otherwise limit local government cooperation and information sharing with federal immigration agencies.

Importantly, these reforms make it harder for unscrupulous employers to retaliate against worker organizing and use the threat of deportation as a weapon to keep workers from exercising their rights or enforcing standards on the job.

As federal and state agencies threaten to punish and withhold funds from jurisdictions that commit to serve and protect all members of the community, working people are the ones who will suffer. These threats put jobs and vital community programs at risk, and continue to divert attention and resources from the real efforts we need to rebuild our crumbling infrastructure and get people back to work.

America's unions continue to demand clear separation of immigration enforcement from local law enforcement and other functions of government because we want safe workplaces, campuses, and communities. We call on our elected officials at all levels of government to reject the criminalization of immigrants and engage in policies that protect privacy and due process and restore trust in our vital public institutions.



Statement of the American Immigration Council

Submitted to the Senate Committee on The Judiciary Hearing Entitled “ICE Under Fire: The Radical Left’s Crusade Against Immigration Enforcement” November 19, 2025

Over the last year, the Department of Homeland Security (DHS) has embarked on an expanded level of immigration enforcement unprecedented in this nation’s history. Since President Trump took office in January, thousands of federal law enforcement officers have been diverted away from their normal public safety mission to carry out immigration enforcement, and decades of targeted enforcement practices at DHS have been tossed aside in favor of a numbers-first approach. The result of these changes has been a significant increase in low-level immigration arrests – and a significant erosion in public safety and in relations between local law enforcement and immigrant communities. Contrary to the Trump administration’s inflated rhetoric, this blitz of enforcement is making our country less safe, leaving serious crimes uninvestigated, and many in immigrant communities too afraid to even call 911 in life-or-death situations.

From day one, the Trump administration has diverted resources *away* from the public safety mission. On January 20, President Trump signed an executive order requiring U.S. Immigration and Customs Enforcement’s (ICE) Homeland Security Investigations (HSI) division, which had focused on criminal investigations of drug traffickers, human smugglers, and pedophiles, to make immigration enforcement its “primary mission.”¹ Similarly, thousands of federal law enforcement agents, including from the Federal Bureau of Investigation (FBI), the Drug Enforcement Agency (DEA), the Bureau of Alcohol, Tobacco, and Firearms (ATF) have been diverted away from their normal missions and ordered to carry out immigration enforcement instead.²

Since that point, investigations into serious crimes have faltered. HSI investigators have spent 33 percent less time on child exploitation cases than average, experts on money laundering and counterterrorism have been reassigned to making arrests at immigration courts, and critical national security investigations into Iranian oil smuggling have been left to wither as the people

¹ President Donald J. Trump, Executive Order 14159, “Protecting the American People Against Invasion,” January 20, 2025, at Sec. 4, <https://www.federalregister.gov/documents/2025/01/29/2025-02006/protecting-the-american-people-against-invasion>.

² Brad Heath, Joshua Schneyer, Marisa Taylor, Sarah N. Lynch, Mike Spector, “Exclusive: Thousands of agents diverted to Trump immigration crackdown,” *Reuters*, March 22, 2025, <https://www.reuters.com/world/us/thousands-agents-diverted-trump-immigration-crackdown-2025-03-22/>.

responsible for those investigations have been made to carry out basic immigration enforcement duties instead.³

Drug trafficking investigations have also decreased, as every agent arresting a farmworker in Southern California or a delivery driver in Chicago is one less agent investigating fentanyl supply chains or working to stop traffickers. The U.S. Border Patrol's new focus on interior enforcement has left critical security checkpoints unstaffed, allowing drug smugglers free rein to bring their wares into the country. According to the Wall Street Journal, "The president's campaign to deport immigrants in the U.S. illegally has taken federal agents away from drug-traffic interdiction. In Arizona, two Customs and Border Protection checkpoints along a main fentanyl-smuggling corridor from Mexico have been left unstaffed."⁴

In total, roughly a quarter of the FBI's 13,000 agents have been tasked with immigration enforcement, the largest diversion of resources in the agency's history, leading former agents to warn that national security is at risk.⁵ Even the agents assigned to protect our nation from terrorists have been diverted away from that mission; when crisis with Iran struck in June 2025, the FBI acknowledged that it had to reassign multiple agents *back* to counterterrorism after taking them away from that job to do immigration enforcement instead.⁶

While some of this diversion of resources may *eventually* be addressed by the hiring of thousands of new ICE officers given the recent infusion of funding from the Big Beautiful Bigg Act, community safety will likely still suffer because of the rapid expansion of the agency. Not only is ICE engaged in targeted recruitment campaigns to poach local police officers at a time when nearly all police departments are struggling with recruitment (thus undermining local community safety), but history shows that a mass expansion of federal law enforcement in a short period of time will lead to corners being cut on training and vetting; potentially to disastrous impact.

In the late 2000s, the Bush administration doubled the size of the U.S. Border Patrol, with over 10,000 new agents brought online in just a few years, with hiring standards relaxed and training shorted. The result? Not only did institutional knowledge and discipline suffer as new recruits

³ Nicholas Nehemas, Michael H. Keller, Alexandra Berzon, Hamed Aleaziz, Zolan Kanno-Youngs, "Homeland Security Missions Falter Amid Focus on Deportations," *New York Times*, November 16, 2025, <https://www.nytimes.com/2025/11/16/us/politics/dhs-agents-reassigned.html>.

⁴ Steve Fisher, José de Córdoba, Santiago Pérez, "America Loves Cocaine Again—Mexico's New Drug King Cashes In," *Wall Street Journal*, September 16, 2025, <https://www.wsj.com/world/americas/mexico-drugs-cartel-oseguera-trump-586f0cec>.

⁵ Perry Stein, "A quarter of FBI agents are assigned to immigration enforcement, per FBI data," *Washington Post*, October 8, 2025, <https://www.washingtonpost.com/national-security/2025/10/08/fbi-agents-reassigned-immigration/>.

⁶ Ken Dilanian and Julia Ainsley, "FBI returning agents to counterterrorism work after diverting them to immigration," *NBC News*, June 24, 2025, <https://www.nbcnews.com/politics/national-security/fbi-returning-agents-counter-terrorism-work-diverting-immigration-rcna213661>.

came to outnumber veterans, but serious criminals (including cartel double agents) managed to infiltrate the agency, leading to an increase in corruption that took years to remedy.⁷

Similar warning signs are already flashing at ICE as the agency embarks on hiring 10,000 new officers; nearly one third of all recruits that made it past the first stage of the application process have failed the standard physical test,⁸ and people with violent criminal histories have been cleared for training before completion of basic background checks.⁹ As former U.S. Customs and Border Protection Commissioner Gil Kerlikowske noted, these brand new agents will be tasked with carrying out enforcement in urban environments in ways that even veteran ICE agents have not done before, and will do so following shortened training and no focus on “de-escalation, trust, and [building] public cooperation.”¹⁰ All of this is a recipe for disaster.

Beyond diversion of resources, indiscriminate and chaotic immigration enforcement is also making many Americans, including immigrants, afraid to report crime or contact law enforcement which further erodes public safety. When communities view ICE, federal agents, and local police who collaborate with ICE as one and the same, trust collapses and as sheriffs around the country report, people become more afraid to report crime in fear that doing so will result in detention, deportation and separation from their families.

For example, in Los Angeles, following the start of raids in June, the Los Angeles Police Department (LAPD) saw a 28 percent decrease in calls for service, with calls for domestic violence and family disputes dropping by 7 percent and 16 percent respectively.¹¹ Similarly, following the start of Operation Midway Blitz in Chicago, the city of Chicago saw a “precipitous drop” in 911 calls, with the drop concentrated most strongly in Chicago’s immigrant-heavy Little Village, a major target for DHS operations throughout the fall.¹² And in June, a child died in Nashville in part because the caregiver was afraid that if she called 911, she might be turned over to ICE – a fear augmented by a 287(g) agreement signed between Tennessee Highway Patrol and ICE.¹³

⁷ Garrett M. Graff, “The Green Monster,” *Politico Magazine*, November/December 2014, <https://www.politico.com/magazine/story/2014/10/border-patrol-the-green-monster-112220/>.

⁸ Nick Miroff, “ICE’s ‘Athletically Allergic’ Recruits,” *The Atlantic*, October 20, 2025, <https://www.theatlantic.com/politics/archive/2025/10/ice-recruits-fitness-test-trump/684625/>.

⁹ Julia Ainsley and Didi Martinez, “Some new ICE recruits have shown up to training without full vetting,” *NBC News*, October 22, 2025, <https://www.nbcnews.com/politics/immigration/new-ice-recruits-showed-training-full-vetting-rcna238739>.

¹⁰ Meg Anderson, “Tackles, projectiles and gunfire: Many fear ICE tactics are growing more violent,” *NPR Morning Edition*, October 13, 2025, <https://www.npr.org/2025/10/13/nx-s1-5566785/ice-dhs-immigration-tactics-more-violent>.

¹¹ Libor Jany, Hailey Wang, “As ICE raids surged this summer, emergency calls to LAPD plummeted,” *Los Angeles Times*, September 20, 2025, <https://www.latimes.com/california/story/2025-09-20/ice-raids-911-calls>.

¹² Sam Charles, Laura Rodríguez Presa, Rebecca Johnson “Operation Midway Blitz linked to dip in 911 calls, especially in Little Village,” *Chicago Tribune*, November 3, 2025, <https://www.chicagotribune.com/2025/11/03/911-calls-midway-blitz-little-village/>.

¹³ Patsy Montesinos, “Fear of deportation may have delayed 911 call in infant’s death,” *News Channel 5*, June 2, 2025, <https://www.newschannel5.com/news/fear-of-deportation-may-have-delayed-911-call-in-infants-death>.

This level of fear has driven a change in behavior in immigrant communities which makes us *all* less safe. And when communities feel unsafe, they are more likely to respond with outrage and protests to aggressive, hyper-militaristic enforcement campaigns led by DHS. The resulting unrest endangers us all; even DHS officers themselves.

There is no doubt that DHS has an important mission, and a role to play in keeping the public safe. But the current immigration enforcement agenda erodes DHS's core mission by focusing instead on meeting politically motivated and arbitrary arrest and deportation quotas at the expense of core public safety priorities and American norms. An effective pursuit of public safety, as DHS's mission requires, depends upon immigration enforcement policy that works *with* local communities, not *against* them. And a myopic focus on mass deportations above all other public safety threats leaves our country vulnerable to political violence, domestic terrorism, and increases in drug and human trafficking.

Rather than proceed down the current path, this administration should focus on prioritizing violators of civil immigration law that pose an actual public safety threat, rather than aiming to arrest anyone who helps them meet a daily arrest goal. We also urge Congress to come together in a bipartisan manner to address the challenges of updating our 20th century immigration system to work in the modern era and include guardrails that better protect public safety and prevent overreach and abuse. Common sense reform policies are widely endorsed by most of the American public. It is time for Congress to act on them.

David Black Statement for the Record at a Hearing before the Senate Judiciary Committee, Subcommittee on Border Security and Immigration

November 19, 2025

My name is David Black. I am an ordained minister in The Presbyterian Church (PCUSA). I graduated from Princeton Theological Seminary in 2018 with a Master of Divinity degree combined with a Master of Arts degree in Christian Education and Formation. For the past nine years, I have worked as a minister in various parish and chaplaincy settings. I am currently the Senior Pastor and Head of Staff at The First Presbyterian Church of Chicago, located in the Woodlawn neighborhood of South Side Chicago.

With the arrival in the Chicago area of many additional officers employed by Immigration and Customs Enforcement ("ICE"), I felt called and compelled by my Christian faith to come to the area around the Broadview ICE facility in Broadview, Illinois to minister to the ICE officers there and to urge them to repent and turn away from unnecessary and brutal enforcement of the immigration laws. In all, I have protested and ministered at the Broadview ICE facility seven times since late August. Each time at Broadview, I was visibly attired in clerical garb: a black shirt with a white clerical collar and black slacks. My consistent and explicit orientation has been as a Christian minister, offering prayers, blessings and imprecations from scripture, calling ICE officers to repent and believe the Good News, leading the gathering in singing traditional hymns and Christian spirituals, and offering spiritual support and consolation to those gathered in protest and those being persecuted by the actions of ICE agents.

On September 5, I went to the Broadview facility in the company of a large group of clergy. We and others sang, marched, and prayed on the street in front of the facility. On that day, ICE officers remained behind the facility fence.

I returned to the Broadview ICE facility on September 19 at about 7 p.m. I was with a group of about 50 to 100 protesters, including other clergy, on the street in front of the ICE facility. I stood on the sidewalk in front of the facility fence. A group of ICE officers were stationed on the roof of the facility above me. Those officers were all masked and were dressed in military-style fatigues. They carried guns. I extended my arms, palms outstretched toward the ICE officers, in a traditional Christian posture of prayer and blessing. I do not remember the words that I used, but in substance I urged the ICE officers to repent and to believe the Good News that the Kingdom of God is near as I remained in a posture of prayer.

Without any warning, and without any order or request that I and others disperse, I was suddenly fired upon by ICE officers. In rapid fire, I was hit seven times on my arms, face and torso with exploding pellets that contained some kind of chemical agent. It was clear to me that the officers were aiming for my head, which they struck twice. One of the pellets that hit me on the head caused me to collapse to my knees. Others who were there gathered around me formed a human shield to protect me as the ICE officers continued to fire on our huddle. There is video of these events, which is available at this link: <https://spaces.hightail.com/space/6ZVrTLYnLr>.

After I was hit, a friend began to help me wash out my eyes. But almost immediately, a group of ICE agents stormed out of the ICE facility toward me and the other protesters. On the street in front of the facility, they targeted the people who were down, including me, pushing and shoving us toward a driveway across from the facility and trapping about a dozen of us in a kettling maneuver. They were armed and brandishing their weapons, and I feared for my life and the lives of other protesters in the kettle. The ICE officers deployed canisters of chemical weapons indiscriminately. One officer shoved me and sprayed chemicals directly on me, aiming for my head and dousing my face. While I was attempting to escape the kettle, officers kept shoving me and spraying the back of my head. By the time I had gotten away, the agents had soaked me in liquid chemicals from my head to my toes. I was wearing a heavy denim jacket, shirt and undershirt, heavy denim jeans, and long underwear. The amount of chemical spray deployed was such that it penetrated through all these layers and covered every part of my body. The photographs below show this occurring:



I had trouble breathing and experienced a burning sensation on my entire body. A friend took my arm and led me away from the area, where in great agony I was offered eyewashes and contact lenses were removed from my eyes. At home, after showering and following decontamination protocols, I continued to experience the burning sensation throughout the night.

I fear that, should I protest, pray, and minister at Broadview, I will be met with violent retaliation. Given the unprovoked escalations of ICE agents against me and other peaceful protesters, I also fear that their supervising officers will not deter them from using deadly force against protesters. The memory of what happened to me sometimes provokes a physical reaction. I believe that I was targeted in this moment because of my ministry, not despite it. Nonetheless, my faith strongly calls me to return, even in the face of my fear. My Bible tells me to not be afraid and to step out beyond the face of fear. I feel like it's my obligation to be back in solidarity with those who are protesting and in ministry towards those who are inside the facility and ICE officers as well.

Statement for the Record

On behalf of

UnidosUS, America's Voice, Aquí: The Accountability Movement, Children's Defense Fund, Children's Defense Fund - New York, Children's Defense Fund - California, Children's Defense Fund - Ohio, Children's Defense Fund Southern Regional Office, Children's Defense Fund - Texas, Franciscan Action Network, Immigrant Defenders Law Center (ImmDef), League of United Latin American Citizens (LULAC), National Action Network, National Council of Asian Pacific Americans, National Latina Institute for Reproductive Justice, National Urban League, NETWORK Lobby for Catholic Social Justice, Oasis Legal Services, Serving At-risk Families Everywhere, Inc., Voto Latino

Submitted to the Subcommittee on Border Security and Immigration

Of the

U.S. Senate Committee on the Judiciary

For a hearing titled

"ICE Under Fire: The Radical Left's Crusade Against Immigration Enforcement"

November 25, 2025

Chairman Cornyn, Ranking Member Padilla, and Members of the Subcommittee:

We submit this joint statement for the hearing record to express our grave concern over the erosion of civil rights protections triggered by the President's indiscriminate mass deportation operation. This effort is not focused on finding and deporting "the worst of the worst." Instead, it represents a sweeping assault on the civil rights of the American people—an operation increasingly used to punish peaceful protesters, intimidate communities, suppress dissent, and inflict cruelty with impunity

Across the country, videos, photos, local reporting, and court findings reveal a consistent pattern of abusive tactics carried out with little transparency or accountability. These incidents reflect systemic failures within an enforcement regime that now operates far outside constitutional limits. In Texas, a teenager was beaten, choked, and subjected to racial slurs by masked officers who refused to identify themselves.¹ In California, an Army

¹ Aguilar, Julián. "U.S.-born Houston Teen Says ICE Agents Beat Him and His Father during Early-Morning Stop." *Houston Chronicle*, October 27, 2025 (Updated October 28, 2025).
<https://www.houstonchronicle.com/news/houston-texas/immigration/article/ice-houston-citizen-choked-slurs-21122087.php>

veteran was forced to the ground with a knee on his neck on his way to work.² In Florida, ICE continued detaining a man even after his mother provided his birth certificate and a judge dismissed allegations that he was unlawfully present.³ All were U.S. citizens.

For noncitizens, documented or undocumented, the harms are often even more severe.

In North Carolina, businesses have closed because customers were too afraid to leave their homes.⁴ In Minnesota, families cannot locate detained loved ones.⁵ In New Jersey, masked officers are harassing people in their own homes.⁶ In Louisiana, Hispanic communities are bracing for intensified operations. And in Alabama, mass arrests are separating families and deepening fear of racial profiling.⁷

These cases are in states represented by members of this subcommittee, and they comprise only a small fraction of what is occurring nationwide. A ProPublica investigation documented more than 170 U.S. citizens, including children, wrongfully detained by enforcement officials – some kicked, dragged, handcuffed or held for days without access to loved ones or counsel.⁸ Because the federal government keeps no comprehensive records on wrongful detentions, the true scope of violations is unquestionably larger.

A Threat to Due Process and the Rule of Law

These abuses expose a profound threat to due process – the constitutional guarantee protecting every person in the United States from arbitrary government action. The administration’s mass deportation operation relies on opaque procedures, warrantless

² Retes, George. “I’m a U.S. Citizen Who Was Wrongly Arrested and Held by ICE. Here’s Why You Could Be Next.” *San Francisco Chronicle*, September 16 2025. <https://www.sfchronicle.com/opinion/openforum/article/ice-racial-profiling-21045429.php>

³ Baker, Peter. “A U.S. Citizen Was Held for Pickup by ICE Despite Proof He Was Born in the Country.” *PBS NewsHour*, April 19, 2025. <https://www.pbs.org/newshour/politics/a-u-s-citizen-was-held-for-pickup-by-ice-despite-proof-he-was-born-in-the-country>

⁴ “Immigration Arrests in Charlotte Spark Fears of Business Closures.” *NBC News*, November 2025. <https://www.nbcnews.com/news/us-news/immigration-arrests-charlotte-fear-businesses-closed-rcna244357>

⁵ Timar-Wilcox, Estelle, and Sarah Thamer. “‘We’re Very in the Dark’: Families Say They Can’t Reach Loved Ones Detained in St. Paul ICE Operation.” *MPR News*, November 19 2025. <https://www.mprnews.org/story/2025/11/19/community-members-speak-out-federal-law-enforcement-operation-st-paul-bro-tex>

⁶ Santana, Raven. “Masked Officers, No Warrant: Video Raises More Concerns about ICE Tactics in NJ.” *NJ Spotlight News*, November 19 2025. <https://www.njspotlightnews.org/2025/11/masked-officers-no-warrant-video-raises-more-concerns-about-ice-tactics-in-nj/>

⁷ Shelton, Ben, and Frances Tiafoe. “South Alabama Immigration Arrests Break Up Families, Breed ‘Racial Profiling’ Fears, Advocates Say.” *AL.com*, August 25 2025. <https://www.al.com/news/2025/08/south-alabama-immigration-arrests-break-up-families-breed-racial-profiling-fears-advocates-say.html>

⁸ Foy, Nicole, et al. “We Found That More Than 170 U.S. Citizens Have Been Held by Immigration Agents. They’ve Been Kicked, Dragged and Detained for Days.” *ProPublica*, October 16 2025. <https://www.propublica.org/article/immigration-dhs-american-citizens-arrested-detained-against-will>

arrests, expedited removals and militarized operations that deny individuals the ability to challenge mistakes, present evidence of their innocence or consult with counsel. When U.S. citizens are detained without cause, when families cannot locate loved ones and when officers refuse to identify themselves or provide warrants, the guarantees of the Fifth and Fourteenth Amendments are rendered meaningless.

This erosion of due process is breaking the very foundations of American democracy. A government that can detain citizens and residents without justification, transparency or oversight is a government operating outside the rule of law.

The Dangerous Militarization of Domestic Immigration Enforcement

The assault on our civil rights is further intensified by the alarming militarization of domestic immigration enforcement. The deployment of National Guard troops and other military resources to help with internal immigration enforcement and local policing, blurs the long-standing line between military and civilian law enforcement. This is an arrangement the Posse Comitatus Act and decades of bipartisan congressional practice strictly limit.

Yet the administration has repeatedly pushed against these limits. National Guard troops have provided armed support for aggressive immigration operations in American cities, actions that experts warn could serve as a precursor for broader joint military–civilian enforcement.⁹ This while the president continues to use dangerous rhetoric about an “invasion from within,” suggesting that American cities could serve as “training grounds” to confront supposed internal enemies.¹⁰ Such statements recast American communities as threats requiring military intervention. This politicization of military force poses a direct danger to civilian control, democratic accountability and the civil rights of all Americans.

The Elimination of Sensitive Locations Protections

The administration’s dismantling of long-standing “sensitive locations” protections – shielding schools, hospitals and places of worship from immigration enforcement – has destabilized institutions relied on daily by American citizens as much as by immigrant families. These protections were never solely about immigration policy; they existed because aggressive policing in classrooms, clinics and churches threatens the rights, wellbeing and constitutional freedoms of all Americans.

⁹ Greenberg, Alan. “National-Guard Deployment to Washington Faces Legal Blow.” *The New York Times*, November 20 2025. <https://www.nytimes.com/2025/11/20/us/politics/national-guard-washington-dc-trump.html>

¹⁰ Stoddart, Michelle; Isabella Murray; Karen Travers; and Ivan Pereira. “Trump Directs Generals to Defend US from ‘War from Within’.” *ABC News*, September 30, 2025. <https://www.abcnews.go.com/Politics/trump-directs-generals-defend-us-war/story?id=126087035>

In schools, heightened enforcement has created fear among students – including U.S.-citizen children – leading to spikes in absenteeism, reduced engagement and anxiety that a parent may be taken while they are in class. Efforts in some states to collect immigration data or restrict enrollment jeopardize the public education access that *Plyler v. Doe* safeguards for every child in the U.S..¹¹

Hospitals and clinics report steep drops in visits from immigrant and mixed-status families, resulting in U.S.-citizen children missing vaccinations, screenings and urgent care. Public-health experts warn that when families avoid treatment out of fear, entire communities – not just immigrants – face greater risks from untreated illness and preventable disease.¹²

Faith communities also feel the effects. Families are avoiding services due to fear of surveillance or detention, undermining religious practice and access to faith-based support.¹³

By turning schools, hospitals and places of worship into potential enforcement zones, the administration is not merely targeting immigrants – it is weakening the educational, public-health and religious institutions that millions of Americans depend on.

Congressional Action and the Urgent Need for Oversight

The threat to our civil rights has been exacerbated by Congress's recent reconciliation legislation, which allocated \$170 billion for immigration enforcement and authorized 10,000 additional ICE agents without meaningful guardrails or transparency mechanisms. Expanding the government's enforcement capabilities while failing to build in accountability mechanisms has accelerated the administration's most abusive practices.

To restore constitutional protections, our organizations have urged Congress to reassert its oversight responsibilities and enact basic protections.¹⁴ These include:

¹¹ McConnell, Micaela. "Learning in the Shadows: How Immigration Enforcement Harms Students and Schools." *American Immigration Council Blog*, August 26, 2025.

<https://www.americanimmigrationcouncil.org/blog/immigration-enforcement-harms-students-schools/>

¹² Physicians for Human Rights. "ICE Tactics and Deportation Fears Limit Access to Health Care for Children of Immigrants: Survey." *Physicians for Human Rights*, November 19 2025. <https://www.phr.org/news/ice-tactics-and-deportation-fears-limit-access-to-health-care-for-children-of-immigrants-survey/#:~:text=Survey%20of%20691%20health%20care,immigrant%20and%20U.S.%20citizen%20children>

¹³ Layne, Nathan. "Immigrant Faithful Turn to Virtual Sermons, Home Communion amid Trump Crackdown." *Reuters*, September 7 2025. <https://www.reuters.com/world/us/immigrant-faithful-turn-virtual-sermons-home-communion-amid-trump-crackdown-2025-09-07/#:~:text=A%20coalition%20of%20churches%20and,that%20sin%2C%22%20Peters%20said>

¹⁴ UnidosUS. "Civil Rights and Faith Leaders Urge Congress to Act after ProPublica Exposes Abuses in Immigration and Federal Law Enforcement." *UnidosUS Publications*, October 23, 2025. <https://unidosus.org/press-releases/civil-rights-and-faith-leaders-urge-congress-to-act-after-propublica-exposes-abuses-in-immigration-and-federal-law-enforcement/>

- Ensuring that detained individuals have timely, meaningful access to family members and legal counsel.
- Banning mask use by federal agents and requiring body-worn cameras with publicly accessible footage.
- Reforming qualified immunity so lawful residents and U.S. citizens can seek redress for constitutional violations.
- Prohibiting the deployment of service members or military resources for domestic immigration or policing operations.
- Codifying sensitive-locations protections for schools, hospitals and places of worship.

The United States cannot be a nation committed to the rule of law while tolerating an immigration enforcement system that systematically disregards core civil rights protections. Congress must act decisively to restore transparency, accountability and constitutional safeguards before more families are harmed and more democratic norms eroded. We stand ready to work with this subcommittee and the full Congress to ensure that immigration enforcement reflects our nation's highest ideals and protects the rights and dignity of all who call this country home.

Statement for the Record
Submitted to the
United States Senate Committee on the Judiciary
Subcommittee on Border Security and Immigration
for the Hearing
ICE Under Fire: The Radical Left's Crusade Against Immigration Enforcement
November 19th, 2025
Interfaith Alliance

Interfaith Alliance is a network of people of diverse faiths and beliefs from across the country working together to build a resilient democracy and fulfill America's promise of religious freedom and civil rights for all. We advocate at all levels of government for an equitable and just America where the freedoms of belief and religious practice are protected, and where all persons are treated with dignity and have the opportunity to thrive. We have 29 state and local affiliates around the country, from Florida to Hawaii.

The U.S. Senate Committee on the Judiciary is responsible for oversight of how the executive branch is respecting Americans' constitutional rights. We know that committee members all share a deep appreciation and respect for the first freedom listed in the First Amendment: the freedom of religion. It's out of this shared admiration for our nation's treasured religious history tradition that we must speak out about today's hearing.

While this hearing is titled ICE Under Fire, it is, in fact, faith communities across the United States that are under fire from ICE's attacks on religious freedom. The First Amendment protects every person's right to worship, pray, gather with their faith community, and follow the teachings of their tradition without government obstruction. These protections apply to all people in this country, including immigrants and asylum seekers in federal custody.

Recent enforcement practices have disrupted worship services, violated the religious rights of detainees, prevented clergy from administering sacraments, chilled the free expression of people of faith, and even enlisted sacred Scripture itself into government propaganda. Diverse religious groups and leaders are sounding the alarm about the abuse of the free exercise clause and the establishment clause of the constitution, violating the nation's foundational commitment to government neutrality in matters of faith.

One of the first actions the Trump administration took upon taking office was to rescind guidance once preventing armed agents from entering houses of worship without prior authorization to make immigration arrests.¹ This new stance of terrorizing houses of worship has created fear among congregations and discouraged many from gathering for worship or seeking pastoral care.

¹ Ted Hesson, "Trump scraps guidance limiting immigration arrests near sensitive locations," Reuters, January 21, 2025.
<https://www.reuters.com/world/us/trump-scraps-guidance-limiting-immigration-arrests-near-certain-locations-2025-01-21/>

We celebrate the courage of faith institutions such as the Cooperative Baptist Fellowship, multiple Quaker bodies, and the Sikh Temple of Sacramento, who have sued the administration to stop immigration arrests in houses of worship as a first amendment infringement and secured an initial victory in federal court.² We call on the U.S. Senate to pass the Protecting Sensitive Locations Act, which will reinstate critical protections for houses of worship that the Trump administration so brazenly revoked.

The consequences of the Trump administration's needlessly cruel and immoral immigration enforcement policies are being felt by faith communities nationwide. There has been a chilling effect on the free exercise of religion for U.S. citizens and noncitizens alike.

In California, federal agents conducted a series of enforcement actions on or adjacent to church properties in June, including reported incidents on two Catholic parishes in Montclair and Highland. The Bishop of San Bernardino described the resulting climate among the faithful as one of tremendous fear, noting that parishioners were asking whether attending Mass or participating in ministries might expose them to arrest. In the weeks that followed, the Diocese, home to more than one million Catholics, granted a temporary dispensation from the obligation to attend Mass on Sundays and holy days of obligation because many families felt too afraid to come to church.³

In Charlotte, North Carolina, reports indicate federal immigration agents carried out an enforcement action that included entering the grounds of a church in November 2025. The raid was part of a series of actions across Charlotte that created widespread fear among immigrant communities and directly disrupted the ability of local churches to gather and minister without intimidation.⁴

In Cincinnati, the detention of a local imam and interfaith chaplain at a local children's hospital, following what had been a routine check-in, caused significant alarm within his mosque and across the wider interfaith community.⁵

² Mark Wingfield, "CBF and coalition win temporary order against ICE raids in churches," Baptist News Global, February 25, 2025, baptistnews.com/article/cbf-and-coalition-win-temporary-order-against-ice-raids-in-churches

³ Aleja Hertzler-McCain and Helen Teixeira, "After immigration raids, Southern California Catholic bishop lifts Mass obligation," Religion News Service, July 9, 2025, <https://religionnews.com/2025/07/09/san-bernardino-diocese-issues-decree-dispensing-parishioners-from-sunday-mass-obligation/>

⁴ Nick Sullivan, "Church members flee as federal agents arrive at east Charlotte place of worship," Charlotte Observer, November 17, 2025, <https://www.charlotteobserver.com/news/politics-government/article312932422.html>

⁵ Mary LeBus, "73 days in ICE detention: Cincinnati chaplain speaks after feds drop terrorism charges," WXIX (FOX19), October 10, 2025, <https://www.fox19.com/2025/10/10/73-days-ice-detention-cincinnati-chaplain-speaks-after-feds-drop-terrorism-charges/>

Immigration enforcement practices under the Trump Administration have also interfered with the religious exercise of people in detention. Under federal law and agency policy, people detained by the federal government have the right to practice their religion and to access religious services, leaders, and sacred materials.⁶ The Religious Freedom Restoration Act protects individuals held in federal facilities and the Religious Land Use and Institutionalized Persons Act protects individuals held in state or local facilities.⁷ Together with the First Amendment, these laws ensure these individuals are still able to adhere to religious dietary restrictions and religious dress codes and safeguard the right to possess sacred texts and materials.

At the Broadview ICE processing facility outside Chicago, clergy and lay leaders who gathered for a weekly prayer vigil were reportedly met with aggressive tactics from law enforcement. In November 2025, at least seven faith leaders were arrested while praying and singing outside the facility. Among those arrested was the Rev. Dr. Michael Woolf, a Baptist minister and a leader in Interfaith Alliance's affiliate in Chicago.⁸ In October 2025, a group of clergy were barred from entering to offer Communion.⁹

The Sikh Coalition has also documented instances in which Sikh passengers were required to remove dastars and other sacred articles, and were denied appropriate meals during transport, despite clear federal requirements that such accommodations be honored.¹⁰

In the nation's capital, the Trump Administration has extended immigration enforcement into civilian religious life by deploying the National Guard in ways that intensified fear among congregants rather than enhancing public safety. In D.C., the Guard's presence around houses of worship and public transit has created a climate of fear that keeps congregants from attending services, forced religious leaders to divert resources toward emergency response and trauma care, and disrupted the ability of faith communities to gather.¹¹

Current immigration enforcement practices have also harmed faith communities and leaders exercising their First Amendment rights to express their beliefs, speak out on matters of faith and conscience, and gather for shared religious and civic purposes. Under this Administration, faith communities have been met with actions that restrict their ability to serve, advocate, and offer care. For many faith communities, speaking out against injustice is a direct expression of faith. Numerous religious teachings call on believers to pursue justice, protect the vulnerable, and

⁶ "National Detention Standards." n.d. <https://www.ice.gov/doclib/detention-standards/2025/nds2025.pdf>.

⁷ Reiner Platt, Elizabeth. "Religious Liberty & Immigration: Legal Analysis of Past and Future Claims." The Law, Rights & Religion Project. <https://lawrightsreligion.org/our-work/religious-liberty-and-immigration-report>.

⁸ Brian Fraga, "At Least Seven Faith Leaders Arrested Outside Broadview ICE Facility," National Catholic Reporter, November 8, 2025, <https://www.ncronline.org/news/least-7-faith-leaders-arrested-broadview-ice-facility-protest>

⁹ Esther Yoon-Ji Kang and Violet Miller, "Religious leaders are denied request to deliver Communion to detainees at Broadview facility," Chicago Sun Times, October 11, 2025
<https://www.wbez.org/immigration/2025/10/11/broadview-detention-immigration-enforcement-ice-religious-leaders-communion-fence-protests>

¹⁰ The Sikh Coalition Letter to CBP Acting Commissioner Pete R. Flores, March 5, 2025

<https://www.sikhcoalition.org/wp-content/uploads/2025/03/2025.02.05-Sikh-Coalition-deportation-rights-violation-inquiry.pdf>

¹¹ Brief of Religious Leaders and the Civil Rights Clinic at Howard University School of Law as Amici Curiae in Support of Plaintiff, *District of Columbia v. Trump*, No. 1:25-cv-03005 (D.D.C., September 15, 2025), ECF No. 24.

challenge wrongdoing. Across the United States, people of many traditions regard public protest and advocacy as not only a constitutional right, but as an essential religious duty.

Efforts by the government to silence or intimidate such communities weaken the heart of the First Amendment. Despite claiming to defend religious liberty, the Trump Administration seems to enforce religious freedom selectively. The Administration created the Religious Liberty Commission and presented it as an effort to expand protections for religious freedom, even citing religious protest as abortion clinics as an example of religious freedom. But at the same time ICE is targeting religious communities engaging in activities it does not favor. When the government promotes some religious voices while suppressing others, they violate a core constitutional principle. The government cannot decide which religious communities are accepted, supported, or silenced.

The U.S. Department of Homeland Security has also used biblical language and religious imagery in official social media posts. In July 2025, DHS published two videos on its official accounts that paired militarized enforcement footage with passages of Scripture. One video quoted from the Book of Isaiah. Another used Proverbs 28:1, which reads, “The wicked flee when no man pursueth; but the righteous are bold as a lion,” while showing night-vision raids, helicopter deployments, and tactical teams. Here’s how the Washington Post’s Carolina A. Miranda described this effort:

The videos conjure a veritable holy war, in which God’s soldiers prepare to battle evil, a.k.a. undocumented immigrants. These adversaries are largely implied, rendered as shadows visible only through night vision goggles — a stunning bit of dehumanization. As in a lot of propaganda, facts get twisted to fit the message. The quote from Isaiah is wildly out of context. Read the chapters from which it is drawn, and you’ll learn that God was asking Isaiah not to spearhead a masked army, but to warn against profligacy and corruption. “Learn to do good; seek justice, rebuke the oppressor,” reads a verse in Chapter 1, “defend the fatherless, plead for the widow.” In other words, nothing to do with a helicopter full of people armed to the teeth.¹²

Protection of faith is foundational to our democracy. The First Amendment guards against government intrusion, government favoritism, and government control over religious life. Threats to religious freedom in the immigration context set a dangerous precedent and undermine the constitutional promise that no person should fear government interference when peacefully exercising their faith. The law is clear: these protections must extend to every person, regardless of immigration status, country of origin, or religious tradition.

Interfaith Alliance urges the Subcommittee to examine fully the harms caused by these policies and to ensure that immigration enforcement is never used to restrict religious freedom. The United States must uphold its constitutional commitments and protect the dignity and free exercise of all people within its borders.

¹² Carolina A. Miranda, “Preposterous ICE videos have a holy war to sell you,” Washington Post, August 26, 2025
<https://www.washingtonpost.com/opinions/2025/08/26/dhs-social-media-religious-imagery-battle/>

Testimony of
Ruben Quesada
Chief of Police
Town of Swampscott (Massachusetts) Police Department

Hearing on
“ICE Under Fire: The Radical Left’s Crusade Against Immigration
Enforcement”

Before the
Committee on the Judiciary
Subcommittee on Border Security and Immigration

U.S. Senate
Washington, D.C.

November 19, 2025

Chairman Cornyn, Ranking Member Padilla, and other distinguished members of the Subcommittee on Border Security and Immigration, thank you for the opportunity to provide written testimony today.

My name is Dr. Ruben Quesada, and I am the Chief of Police for the town of Swampscott, Massachusetts. I am a fourth-generation Mexican American, born and raised in Phoenix, Arizona. I joined the Mesa, Arizona Police Department in 1995 where I spent 25 years of my policing career with oversight of several high-profile areas in the nation’s 37th largest city and third most populous city in the state of Arizona. My experience spans both administrative and operational roles. In my last area of assignment in Mesa, I held the position of administrative Police Commander within the Office of the Chief of Police. After spending most of my policing career in Arizona, I embarked on my transition to the East Coast through my current role as the Chief of Police in Swampscott, Massachusetts, where I have served since March 2022.

I am also a national co-chair for the Law Enforcement Immigration Task Force (LEITF) a national consortium of Police Chiefs and Sheriffs throughout the country seeking bipartisan and sensible solutions to immigration reform.¹ I am a Human and Civil Rights Committee member with the International Association of Chiefs of Police (IACP)

¹ “Press Release,” Law Enforcement Immigration Task Force, February 25, 2025, <https://leitf.org/2025/02/press-release-massachusetts-police-chief-joins-immigration-task-forces-leadership/>.

and strong proponent of community policing and building trust within the community. Aside from my distinguished policing career, I have conducted extensive and rigorous research as part of my doctoral dissertation examining Latino police officers, community policing, the Spanish language, and how policing intersects with immigration issues. Additionally, I am a byproduct of positive police-community relations, as a former at-risk youth arrested and mandated to carry out community service at a local police activities league program in Phoenix, Arizona when I was 16 years old.

This hearing is examining the reaction to immigration enforcement activities carried out by Immigration and Customs Enforcement (ICE) and other Department of Homeland Security (DHS) agencies in local communities throughout the nation. While individuals should not interfere, impede, or hinder federal agents, various enforcement tactics may actually undermine community trust. As a former street crimes and undercover officer and supervisor, I am concerned about some tactics utilized by teams charged with immigration enforcement and apprehensions, particularly surprise “jump out” or “stop and block” tactics. While I do not question the caliber, character, nor commitment of my federal partners, I am worried about the composition of these teams who originate from various areas of DHS – including ERO, CBP, HSI - with limited tactical street experience. Some of these tactics place our federal partners at risk and can be viewed by the public as “clumsy.” When coupled with no uniform standards or legal mandates to properly identify themselves as federal personnel, other than wearing non-descript ballistic (green, tan, and even black) vests that say “POLICE,” it can create a high level of stress and uncertainty in the community as to whether the federal agents are in fact law enforcement.

As a policing professional, I am deeply concerned with individuals who obstruct, interfere, impede, or hinder my fellow federal partners from conducting the lawful performance of their duties. Additionally, I am concerned that our federal partners have failed to communicate with local and state policing professionals during highly visible and contentious immigration enforcement operations conducted in our communities. This lack of coordination and communication with local law enforcement is akin to the “...deep institutional failings within our government” as outlined in the 9/11 Commission Report (Chapter 8 pg. 265). This lack of planning and communication – combined with the public’s reaction - places a strain on an already heavily burdened and short-staffed police response.

In my experience, small town policing is often staffed for day-to-day activities and not for prolonged civil disorders or unrest. Interference with ICE not only places my officers, our community, and our partner federal agents at risk; it places an entire community in danger. Failures in communication with local law enforcement coupled with a lack of operational safety and planning create an opportunity for civil unrest,

disorder, and, consequently, illegal detention. The lack of communication adds to further inquiries by local elected officials and the public whether police are involved in some type of law enforcement operation that could place the community at risk. Without some form of communication from federal agencies, local police departments are unable to provide any type of response or release of information thus adding to the strain of call volume workload and, even worse, negative community speculation. This exerts a cost to government trust that can never be reclaimed.

Recent changes to DHS enforcement policies, with a focus on interior immigration arrests, have taken a toll on community trust in general. This makes it harder for local law enforcement to encourage immigrant victims and witnesses to cooperate with investigations. The justification by DHS and federal law enforcement for the new enforcement posture is that they are taking real criminals off the street. But [the data](#) indicates that only a fraction of those targeted have criminal convictions or arrests. I'm concerned about the impact of DHS messaging. I worry that such framing is misleading and turns the focus away from core threats to public safety.

I respect my fellow federal policing professionals, though our missions are not the same. In my experience, the best way to describe local policing and immigration enforcement is most synonymous with the apples and oranges analogy. The federal administration's current practices are antithetical to the mission and ethos that has been instilled since my first day on the job as an officer in the 1990s. These issues confound public perception into the misconception that federal law enforcement is rounding up "hardened criminals." Many violations of immigration law, such as unlawful presence or overstaying a visas, are not criminal offenses, but civil offenses. And while some immigration offenses, such as illegal entry and illegal reentry after removal, are criminal offenses, individuals convicted of these offenses infrequently pose a threat to public safety.²

Efforts to vilify foreignness or the conflation of immigration status and crime can make it harder to take real criminals off the street. My job as a Chief of Police is to ensure that public policy, human decency, and the law meet in harmony. I believe that those individuals who prey on the innocent and commit violent crimes should and must be held accountable. This intersection of mindful and constitutional policing is usually found at the corner of consequence and humanity.

The depiction of lady justice's blindfold means any person from any background race, ethnicity, or other factors can and should be held accountable for their actions in a court of law. Correspondingly, I have witnessed that any person from any of the same characteristics can also be a victim of a crime. My ethos as a Police Chief is to be blind to

² "Fact Sheet: Immigrants and Crime" Law Enforcement Immigration Task Force, June 26, 2018, <https://leitf.org/2018/06/fact-sheet-immigrants-crime/>.

both. My endeavor is to protect my community regardless of the perpetrator's race while ignoring the victim's ethnicity, even if it is different from my own. Municipal and state police are now expected to take that blindfold off; arrest and assist with the federal mandate of immigration enforcement. I am fearful of where this may lead.

I am an equal-opportunity policing professional. I am not afraid to hold anyone accountable who violates the law, but I also have never been instructed to treat groups of individuals like "criminals" simply because they have committed a civil immigration offense.

I have worked undercover narcotics, street gang enforcement, and plain clothed street crime enforcement. My experience tells me that those who I have arrested or seen arrested were not prone to crime solely based on their race, nationality, or immigration status alone. As a street cop, I simply could not predict an individual's susceptibility to committing a crime based solely on their immigration status. "Criminal" should not be synonymous with immigration status. Immigrants are a large part of what has made this nation great.

While my contention is that my duties representing local law enforcement may be very different from those at the federal level, we must find a consensus in protocols that keep everyone safe. This can only be accomplished by sound and reasonable national law enforcement practices and protocols in immigration enforcement. Current interior immigration enforcement tactics and the interference of ICE in localities often only serve to create further confusion and negative emotions within our communities. As a Chief of Police, I have sworn to uphold the tenets of the U.S. Constitution and laws within my state. I am charged with prevention, protection, and public safety within my community. I promise to uphold these values and will continue to unite the community and country that I love.

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Affiliations appear only for purposes of identification.

By email

November 25, 2025

The Honorable John Cornyn
United States Senate Committee on the Judiciary
Subcommittee on Border Security and Immigration
224 Dirksen Senate Office Building
Washington DC 20510

The Honorable Alex Padilla
United States Senate Committee on the Judiciary
Subcommittee on Border Security and Immigration
224 Dirksen Senate Office Building
Washington DC 20510

Re: Written Testimony Regarding Subcommittee on Border
Security and Immigration hearing: “ICE Under Fire: The
Radical Left’s Crusade Against Immigration Enforcement.”

Dear Chairman Cornyn and Ranking Member Padilla:

The Reporters Committee for Freedom of the Press respectfully submits this written testimony regarding the United States Senate Committee on the Judiciary’s Subcommittee on Border Security and Immigration’s hearing titled “ICE Under Fire: The Radical Left’s Crusade Against Immigration Enforcement,” held on November 19, 2025. We write to address several policy recommendations that would help prevent the arrest or injury of journalists covering immigration enforcement activity and attendant protests. Foremost among these is that the Department of Homeland Security immediately circulate comprehensive guidance to the field on best practices for navigating encounters with journalists.

The Reporters Committee is the nation’s largest non-profit providing free legal services for journalists and news organizations across the country. Reporters Committee attorneys frequently play a coordinating role between government agencies and the major national news organizations on issues of mutual importance. Recently, for example, the Reporters Committee facilitated dialogue between newsrooms and the Department of War in an effort to clarify credentialing policies for the Pentagon Reservation. At the state and local level, our staff also frequently trains both law enforcement and newsrooms on how to navigate encounters in the field. We have formally requested a meeting with DHS to discuss these issues and are eager to facilitate that coordination with the Department.

Our testimony is also in response to several incidents of journalists being arrested or injured while covering DHS operations.

For instance, on September 28, federal officers arrested a reporter, Steve Held, who was covering a protest outside an ICE detention facility in Broadview, Illinois, and, on the same day, Immigration and Customs Enforcement personnel reportedly shot at a reporter's vehicle with a pepper ball outside the same facility. *See Broadview Police Launch Investigation After CBS Reporter's Car Allegedly Was Fired at With Chemical Munition*, Fox32 Chicago (Sept. 28, 2025), <https://perma.cc/YAC7-TQWC>.

Then, on September 30, an ICE agent at 26 Federal Plaza in New York physically ejected a journalist from amNY out of an elevator. The incident led to the serious injury of a journalist from a Turkish outlet standing in the hallway, who had to be taken to the hospital. There is no indication that any of the journalists involved in the altercation were interfering with or obstructing ICE enforcement activity. Ana Ley and Wesley Parnell, *Journalist Injured in Chaotic Scene at New York Immigration Court*, N.Y. Times (Sept. 30, 2025), <https://perma.cc/GQM8-A3JC>; *Injured Journalist Hauled Off In Stretcher After Violent NYC Immigration Court Clash*, N.Y. Post (Oct. 1, 2025), <https://perma.cc/4CDC-Y9H7>.

While the incidents described above raise an array of different concerns, the Reporters Committee urges that clear and comprehensive guidance be implemented for every investigative and enforcement element under DHS's authority, detailing the First Amendment and other legal rights of journalists. That would include guidance on the First Amendment right to record or document federal law enforcement operations in public and the limits of statutes prohibiting physical interference or obstruction. *See* Statement of Interest of the United States, *Garcia v. Montgomery County*, No. 8:12-cv-03592-JFM (filed March 4, 2013) (arguing that discretionary charges like disorderly conduct or disturbing the peace should be viewed skeptically when based on recording police activity).

We also urge that DHS adopt a policy of "arrest avoidance" for journalists – a practice that the Justice Department has recognized as an important safeguard for First Amendment rights, *New DOJ Recommendations for Police, Press Bridge Protest Divide*, Reporters Comm. for Freedom of the Press (Oct. 4, 2024), <https://perma.cc/D7HR-4MST>, and one that California has codified by statute, *see* Cal. Penal Code § 409.7. By making supervisory officials in the field immediately available to review the detention of individuals who present evidence of their identity as a journalist, law enforcement agencies avoid unnecessary conflict between agency personnel and the press.

Many of the most troubling interactions between DHS employees and the press have unfolded in cases where agents were masked and wearing plainclothes, making it exceptionally challenging for journalists to comply with lawful police orders. The Justice Department has described officers wearing identifying information as "a near-universal requirement of sound policing practices." Letter from U.S. Dep't of Justice to Chief Thomas Jackson, City of Ferguson (Sept. 23, 2014), <https://perma.cc/D7HR-4MST>. Further, federal law requires that "[f]ederal law enforcement personnel" visibly display "the individual's name or other individual identifier" and "the name of the armed force, Federal entity, or other organization by which such individual is employed," whenever called upon "to respond to a civil disturbance." 10 U.S.C. § 723(a). A general

practice of masking makes it difficult for journalists to identify which individuals on a crowded scene are federal law enforcement officials.

We are also concerned with statements by senior officials suggesting that First Amendment protected newsgathering could be physically imperiling officers with DHS agencies. Earlier this year, for instance, while discussing what DHS has described as a major increase in attacks on federal officers, Secretary Kristi Noem referred to recording ICE personnel in the field as “violence.” Grace Bellinghausen, *Secretary Kristi Noem address surge in attacks on ICE agents in Tampa*, ABC News 33/40 (July 13, 2025), <https://perma.cc/33Z4-8G7F>. Secretary Noem has also publicly vowed to prosecute those who “dox” ICE agents, without identifying a limiting principle that would protect First Amendment-protected newsgathering and reporting. *Anarchists and Rioters in Portland Illegally Dox ICE Officers and Federal Enforcement*, Department of Homeland Security (July 11, 2025), <https://perma.cc/RH6Q-PMLL>.

This sentiment was recently repeated by DHS Assistant Secretary for Public Affairs Tricia McLaughlin, who stated that the Department views recording video and taking pictures of ICE agents with the intent to report publicly on their activity as “doxxing” and that those who “illegally harass” officials will be prosecuted. Walter Olson, *DHS Says Videotaping ICE Agents Is Illegal. Federal Courts Disagree*, Cato Institute (Oct. 9, 2025), <https://perma.cc/4ZKX-JDAQ>. Agency leadership also publicly discussed prosecuting CNN in connection with its coverage of an app that alerts users to ICE sightings, arguing that this reporting puts federal officers in danger. Giselle Ruhiyyih Ewing, *Trump administration threat[ens] CNN with prosecution*, Politico (July 1, 2025), <https://bit.ly/3XPjSsV>.

Further, while not an action by DHS, the Federal Communications Commission reportedly opened an investigation into San Francisco-based radio station, KCBS, for its coverage of ICE activity in the Bay Area. Aja Seldon, *KCBS Under Investigation for Alleged Broadcast of ICE Agent Locations in San Jose*, KTVU Fox 2 (Feb. 7, 2025), <https://perma.cc/Q3DQ-DWHU>. These statements and actions reflect a troubling conflation of documenting immigration enforcement – something that is essential for transparency and public accountability – with physically endangering federal agents.

As every high court to consider the issue has found, the right to record government officials engaged in their duties in a public place is clearly established under the First Amendment, subject to reasonable time, place, and manner restrictions. *See, e.g., Askins v. Dep’t of Homeland Sec.*, 899 F.3d 1035, 1044 (9th Cir. 2018); *Fields v. City of Philadelphia*, 862 F.3d 353, 356 (3d Cir. 2017); *Turner v. Lieutenant Driver*, 848 F.3d 678, 689 (5th Cir. 2017); *Am. C. L. Union of Ill. v. Alvarez*, 679 F.3d 583, 600 (7th Cir. 2012); *Glik v. Cunniffe*, 655 F.3d 78, 87 (1st Cir. 2011); *Smith v. City of Cumming*, 212 F.3d 1332 (11th Cir. 2000). The right applies to the public and journalists alike. *Glik*, 655 F.3d at 84.

Constitutional protections for newsgathering support not just the public’s access to information, but – through credible, independent documentation – the protection of

DHS agents themselves. Reportage can both hold officials accountable when necessary but also may support them by corroborating their account of an incident. *See, e.g., Fields v. City of Philadelphia*, 862 F.3d 353, 360 (3d Cir. 2017) (internal citation omitted) (“Important to police is that these recordings help them carry out their work. They, every bit as much as we, are concerned with gathering facts that support further investigation or confirm a dead-end. And of particular personal concern to police is that bystander recordings can ‘exonerate an officer charged with wrongdoing.’”). Accordingly, along with comprehensive guidance on how DHS officers interact with journalists in the field vis-à-vis detentions, arrests, and the use of force, the Reporters Committee also urges the Department to provide meaningful training on the scope of the public’s right to record.

Thank you for the opportunity to submit written testimony on this important topic. Please do not hesitate to contact the Reporters Committee’s Vice President of Policy Gabe Rottman with any questions at grottman@rcfp.org.

Sincerely

Reporters Committee
for Freedom of the Press