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Dear Attorney General Raoul, State's Attorney O'Neill Burke, and Superintendent of Police Larry Snelling,

We respectfully urge your offices, consistent with applicable law, to open investigations into federal agents' activities in Cook County. In incidents across the county since the invocation of "Operation Midway Blitz" federal agents have repeatedly committed criminal acts that are not immunized by federal law. These have been especially brazen outside the Broadview, Illinois "detention center" and during the military-style assault on Chicago residents on September 30, 2025. These actions include planned operations to detain both citizens and noncitizen residents for hours, unlawfully damage and destroy residents' property, unlawfully kidnap residents, and terrorize communities of color on account of their race and in retaliation for their perceived political affiliation. These operations, which public evidence indicates are part of a criminal conspiracy directed and condoned by President Donald Trump and senior officials in the Trump administration with full knowledge of their unlawful nature, warrant prompt investigation by your offices.

Background

On September 8, 2025, DHS announced “Operation Midway Blitz,” purportedly to target undocumented noncitizens in the Chicago area affiliated with “Tren de Aragua,” a Venezuelan gang.¹ But there is no evidence of any real connection between local violence in Chicago and that gang, and previous deportees that were allegedly members of Tren De Aragua had only minor criminal records.²

Instead, President Trump’s speeches reveal the true reason federal agents are invading Illinois: to brutalize, terrorize and intimidate his perceived political enemies and continue his illegal authoritarian takeover of America’s cities. On September 6, 2025, two days before the official announcement of Midway Blitz, he wrote on Truth Social, “Chicago about to find out why it’s called the Department of WAR,” along with a picture of himself as Lieutenant Colonel William Kilgore from *Apocalypse Now*.³ On September 16, 2025, he described the deployment of the national guard as “against Pritzker.”⁴ Similarly, on September 30, 2025, President Trump told a meeting of generals and senior military officials that the United States was “under invasion from within,” that it was “[n]o different from a foreign enemy, but more difficult in many ways because they don’t wear uniforms,” and that cities should be used as military “training grounds.”⁵ Since early September, at least hundreds of agents have descended on Cook County, resulting in over 1,000 arrests.⁶ Their actions have only confirmed that their purpose in Illinois and the greater Chicago area is to repress and punish dissent, not to enforce federal law.

¹ Department of Homeland Security, ICE Launches Operation Midway Blitz in Honor of Katie Abraham to Target Criminal Illegal Aliens Terrorizing Americans in Sanctuary Illinois, (Sep. 8, 2025), <https://www.dhs.gov/news/2025/09/08/ice-launches-operation-midway-blitz-honor-katie-abraham-target-criminal-illegal> (last accessed Oct. 14, 2025).

² Tom Schuba, Frank Main, & Elvia Malagón, *As Trump wages war on Tren de Aragua, little evidence links Venezuelan gang to violence in Chicago*, Chicago Sun-Times (Mar. 28, 2025), (last accessed 10/9/2025). DHS has claimed the operation is in honor of Katie Abraham, who was killed by a drunk driver in Urbana, Illinois, a tragedy that occurred 135 miles from Chicago, the focus of the operation, and has nothing to do with gang violence.

³ Donald Trump (@realDonaldTrump), Truth Social (Sep. 6, 2025, 11:38 A.M.), <https://truthsocial.com/@realDonaldTrump/posts/115158096026629509>.

⁴ James Neveau & Alex Dvorak, *Trump signals he will send National Guard to Chicago ‘against Pritzker’*, NBC Chicago (Sep. 16, 2025) <https://www.nbcchicago.com/news/local/chicago-politics/trump-signals-he-will-send-national-guard-to-chicago-against-pritzker-after-memphis/3824883/> (last accessed Oct. 14, 2025).

⁵ Bernd Debusmann Jr. & James FitzGerald, *US cities should be military training grounds, Trump tells generals*, BBC (Sep. 30, 2025), <https://www.bbc.com/news/articles/cvgq044n72po> (last accessed Oct. 14, 2025).

⁶ Christine Fernando, *ICE would need more money to expand use of bodycams in Chicago crackdown, official says*, ABC (Oct. 20, 2025), <https://abcnews.go.com/US/wireStory/ice-money-expand-bodycams-chicago-crackdown-official-126689745> (last accessed Oct. 21, 2025).

Broadview Detention Facility

Broadview, Illinois, a suburb of Chicago, hosts a processing center that is intended to briefly hold individuals detained by immigration authorities, with a capacity for 236 adults for up to 12 hours each.⁷ However, after Midway Blitz, the Broadview facility became a de facto detention center, with individuals detained there for multiple nights despite there being no medical staff or services, no food preparation services, no beds, and no private toilet.⁸ There is no privacy, including no way for detainees to speak alone with their lawyers. Elected officials have been denied entry. Individuals who were housed there describe filthy, overcrowded conditions.⁹ Unsurprisingly, the facility has become a focal point for protests against the military-style deployment of federal agents.¹⁰

Federal agents have responded by escalating their oppression and crushing dissent. For example, on September 19, 2025, Pastor David Black was shot in the head with a “pepper ball” while praying outside the facility.¹¹ Although DHS has claimed that he and other protesters were blocking vehicles, Black disputes this and notes that the use of force used against him was potentially fatal.¹²

On October 2, 2025, the Illinois State Police set up a “First Amendment” zone to attempt to prevent further violence and separate protestors from federal agents.¹³ However, on October 3, 2025, Secretary of the Department of Homeland Security Kristi Noem and Dan Bovino, a federal agent leading the operations in Illinois, gave speeches publicly announcing a plan to “hammer these guys,” announcing that “we’re going to roll them all the way out of here,” arrest them, and “make sure that these individuals aren’t allowed to conduct this kind of activity anymore,” at least in

⁷ Lauren FitzPatrick & Adriana Cardona-Maguigad, *ICE's Broadview facility has become a de facto detention center, minus the rules and oversight*, Chicago Sun-Times (Oct. 1, 2025) <https://chicago.suntimes.com/immigration/2025/10/01/broadview-immigration-processing-center-detention-ice-dhs> (last accessed Oct. 9, 2025).

⁸ *Id.*

⁹ *Id.*

¹⁰ Emmy Victor & Ashlyn Wright, *Protesters rally at ICE facility in Broadview amid growing tensions*, WGN (Oct. 4, 2025), <https://wgntv.com/news/operation-midway-blitz/protesters-rally-at-ice-facility-in-broadview-amid-growing-tensions/amp/> (last accessed Oct. 14, 2025).

¹¹ Marisa Rodriguez, *VIDEO: ICE agents shoot Chicago pastor in head with pepper ball outside Broadview facility*, WGN (Oct. 9, 2025), <https://wgntv.com/news/video-ice-agents-shoot-chicago-pastor-in-head-with-pepper-ball-outside-broadview-facility/> (last accessed Oct. 14, 2025).

¹² Marisa Rodriguez, *I wonder about their intentions: Chicago pastor speaks out after ICE agents shoot him in head with pepper balls in Broadview*, WGN (Oct. 13, 2025), <https://wgntv.com/news/chicago-news/i-wonder-about-their-intentions-chicago-pastor-speaks-out-after-ice-agents-shoot-him-in-head-with-pepper-balls-in-broadview/> (last accessed Oct. 14, 2025)..

¹³ Jermont Terry, *Officials set up designated protest zone outside ICE facility in Broadview, Illinois*, CBS (Oct. 2, 2025), <https://www.cbsnews.com/chicago/news/broadview-ice-facility-designated-protest-zone-concrete-barriers/> (last accessed Oct. 14, 2025)..

part because President Trump is “sick” of the protests.¹⁴ Noem and Bovino announced their disregard for First Amendment rights publicly, to the agents, with sympathetic media present to disseminate their unlawfulness as widely as possible. Shortly thereafter, Bovino led an attack on the protesters in the designated area created by state law enforcement, arresting many.¹⁵

Around this time, the Broadview police chief announced that he had launched three criminal investigations into federal agents for false 911 calls against peaceful protestors and journalists.¹⁶

On October 9, 2025, a federal judge granted a temporary injunction order, forbidding the excessive use of force by federal agents and ordering all federal agents to wear some insignia that would allow them to be identified.¹⁷

Individual Incidents

Since early September 2025, federal agents have engaged in military-style operations throughout the greater Chicago area. The incidents below represent a sample of publicly reported operations. Given the targets of these operations may be undocumented, or have undocumented family members, they likely represent only a sliver of the criminal acts being committed against Cook County residents by federal agents.

- On September 12, 2025, Silverio Villegas-Gonzalez was killed by ICE agents when they attempted to detain him.¹⁸ Although federal agents claimed that Villegas-Gonzalez rammed his car into them, subsequent body cam footage from local officers and local surveillance footage indicates otherwise.¹⁹

¹⁴ Benny Johnson (@BennyJohnson), X (Oct. 3, 2025, 2:05 p.m.), <https://x.com/bennyjohnson/status/1974174065985470970>.

¹⁵ Plaintiffs’ Emergency Motion for Temporary Restraining Order at 10, *Chicago Headline Club v. Noem*, 25-cv-12173 (N.D. Ill. 2025), <https://protectdemocracy.org/wp-content/uploads/2025/10/CHC-v-Noem-TRO-Mtn.pdf> (last accessed Oct. 14, 2025).

¹⁶ Dave Savini & Samah Assad, *Broadview police chief accuses ICE agents of making false 911 calls*, CBS News (Oct. 2, 2025), <https://www.cbsnews.com/chicago/news/broadview-police-chief-thomas-mills-ice-agents-false-911-calls/> (last accessed Oct. 9, 2025).

¹⁷ See generally, Temporary Restraining Order, *Chicago Headline Club v. Noem*, 25-cv-12173 (N.D. Ill. 2025), <https://protectdemocracy.org/wp-content/uploads/2025/10/25-12173-Chicago-Headline-Club-v.-Noem-Final-TRO-Order.pdf> (last accessed Oct. 14, 2025).

¹⁸ Molly DeVore & Stephen Montemayor, *ICE Fatally Shoots Man During Chicago-Area Arrest Attempt, Agency Says*, Block Club Chicago (Sep. 16, 2025), <https://blockclubchicago.org/2025/09/12/ice-agent-fatally-shoots-man-after-being-hit-by-car-during-chicago-area-arrest-attempt-agency-says/> (last accessed Oct. 14, 2025).

¹⁹ Molly DeVore, *ICE Agent Who Killed Man In Alleged Self-Defense Said Injuries Were ‘Nothing Major,’ Video Shows*, Block Club Chicago (Sep. 23, 2025), <https://blockclubchicago.org/2025/09/23/ice-agent-in-franklin-park-fatal-shooting-said-his-injuries-were-nothing-major-report-says/> (last accessed Oct. 14, 2025).; Renee Hickman & Brad Brooks, *Footage of deadly ICE shooting in Chicago suburb challenges official narrative*, Reuters (Sep. 25, 2025),

Federal agents have produced no evidence that Villegas-Gonzalez, whose only criminal record consisted of moving violations, posed any threat to the officers..²⁰

- On September 16, 2025, federal agents blew down the door to the residence of Joe Botello—a U.S. Citizen—and blocked off an entire street with military vehicles in an operation to detain every resident in their home.²¹ Botello was later released without any charges.
- On September 28, 2025, a senior official with the Border Patrol admitted that he took into consideration the race of individuals in determining whether to detain them. He made this remark while parading around downtown Chicago with a heavily armed group of federal agents.²²
- On the night of September 30 and the morning of October 1, 2025, federal agents conducted an overnight raid on a South Shore apartment building rappelling from a military helicopter and approaching the building on the ground in dozens of trucks.²³ The agents, wearing military apparel, knocked down doors and pulled residents—some naked—from their apartments. Agents separated children from their families and forced them into vans. Agents entered or approached nearly every apartment in the building and detained citizens for hours before releasing them. This included tying up a sixty-seven-year-old man with zip ties for hours and insisting they could not release him until they had verified his citizenship. Federal agents ransacked

<https://www.reuters.com/world/us/police-records-witness-accounts-complicate-dhs-narrative-fatal-chicago-area-ice-2025-09-24/> (last accessed Oct. 14, 2025)..

²⁰ Molly DeVore, *Mexican Independence Day Celebration Doubles As Protest After ICE Killed Franklin Park Dad*, Block Club Chicago (Sep. 16, 2025),

<https://blockclubchicago.org/2025/09/16/mexican-independence-day-celebration-doubles-as-protest-after-ice-killing-of-franklin-park-dad/> (last accessed Oct. 14, 2025).

²¹ Cindy Hernandez & Adriana Cardona-Maguigad, *Homeland Security Secretary Kristi Noem leads Elgin raid; 1 U.S. citizen among 6 detained*, Chicago Sun-Times (Sep. 16, 2025),

<https://chicago.suntimes.com/immigration/2025/09/16/homeland-security-secretary-kristi-noem-leads-elgin-raid-4-arrested> (last accessed Oct. 9, 2025).

²² Chip Mitchell et al., *Feds march into Downtown Chicago; top border agent says people are arrested based partly on 'how they look,'* Chicago Sun-Times (Sep. 28, 2025)

<https://chicago.suntimes.com/immigration/2025/09/28/ice-agents-spotted-downtown-on-michigan-avenue-along-chicago-river> (last accessed Oct. 9, 2025).

²³ *Federal agents conduct overnight 'targeted immigration' operation in South Shore*, Chicago Sun-Times (Sep. 30 2025), <https://chicago.suntimes.com/news/2025/09/30/south-shore-immigration-operation-border-patrol-fbi> (last accessed Oct. 9, 2025); Cindy Hernandez, *Massive immigration raid on Chicago apartment building leaves residents reeling: 'I feel defeated'*, Chicago Sun-Times (Oct. 1, 2025), <https://chicago.suntimes.com/immigration/2025/10/01/massive-immigration-raid-on-chicago-apartment-building-leaves-residents-reeling-i-feel-defeated> (last accessed Oct. 9, 2025); Mary Norkol, *After military-style raid on South Shore apartments, Congress members rally around residents*, Chicago Sun-Times (Oct. 6, 2025), <https://chicago.suntimes.com/immigration/2025/10/05/congress-members-rally-south-shore-apartment-ice-raid> (last accessed Oct. 9, 2025).

residents' apartments, leaving their property either missing or destroyed. NewsNation filmed portions of the raid from the military helicopter.²⁴

- On October 3, 2025, federal agents detained and handcuffed Alderwoman Jessie Fuentes for exercising her First Amendment rights to question whether they had a warrant for the man they were attempting to detain.²⁵ On the same day, federal agents whose vehicle appeared to be blocked responded by throwing several smoke bombs onto the sidewalk, assaulting crowds of innocent pedestrians.²⁶
- In early October, 2025, federal agents detained Maria Greeley, a U.S. citizen who carries her passport with her at all times.²⁷ She was detained outside her workplace with zip-ties and questioned for an hour, with agents initially claiming her passport was “fake” because she “doesn’t look like” her name is Greeley (presumably because she is Latina).²⁸
- On October 4, 2025, federal agents shot Marimar Martinez several times.²⁹ Although DHS claims that she rammed federal agents’ vehicle, her lawyer claims that bodycam footage from the officers shows that they rammed her vehicle and taunted her before shooting her.³⁰ DHS has not released any bodycam footage to the public to support its version of events or to suggest that Martinez, a U.S. citizen, posed any threat to the officers.
- On October 7, 2025, federal agents forcibly opened a gate to a private cemetery then proceeded to mace and detain two U.S. citizens who were merely filming them,³¹ a protected First Amendment activity, *ACLU v.*

²⁴ Michael Loria & Eduardo Cuevas, *800 arrests amid Chicago immigration 'blitz' of helicopters and midnight raids*, USA Today (Oct. 6, 2025), <https://www.usatoday.com/story/news/nation/2025/10/03/chicago-area-immigration-raids-dhs/86497161007/> (last accessed Oct. 14, 2025).

²⁵ Ariel Parrella-Aureli & Melody Mercado, *Federal Agents Handcuff Chicago Alderperson At Hospital ER*, Block Club Chicago (Oct. 3, 2025), <https://blockclubchicago.org/2025/10/03/federal-agents-handcuff-chicago-alderperson-who-tried-to-help-immigrant/> (last accessed Oct. 14, 2025).

²⁶ Charlie De Mar & Todd Feurer, *Federal agent throws tear gas canister from SUV on busy Chicago street*, CBS (Oct. 3, 2025), <https://www.cbsnews.com/chicago/news/federal-immigration-agent-throws-tear-gas-canister-logan-square-street/> (last accessed Oct. 14, 2025).

²⁷ Newsweek, *US Citizen Says ICE Detained Her, Said Her Passport 'Isn't Real,'* (Oct. 14, 2025), <https://www.newsweek.com/us-citizen-says-ice-detained-her-said-her-passport-isnt-real-10875767> (last accessed Oct. 15, 2025).

²⁸ *Id.*

²⁹ Joe Ward, *Federal Agent Shoots Woman In Brighton Park, Causing Tense Scene With Protesters*, Block Club Chicago (Oct. 5, 2025), <https://blockclubchicago.org/2025/10/05/federal-agents-shoot-woman-in-brighton-park-causing-tense-scene-with-protesters/> (last accessed Oct. 14, 2025).

³⁰ Renee Hickman, *Bodycam footage conflicts with DHS account of Chicago woman's shooting by Border Patrol, lawyer says*, Reuters (Oct. 9, 2025), <https://www.reuters.com/world/us/bodycam-footage-conflicts-with-dhs-account-chicago-womans-shooting-by-border-2025-10-08/> (last accessed Oct. 14, 2025).

³¹ Julian Crews, *Video: ICE agents clash with cemetery workers attempting to help man in Des Plaines River*, WGN (Oct. 10, 2025), <https://wgntv.com/news/operation-midway-blitz/video-ice-agents->

Alvarez, 679 F.3d 583, 595–608 (7th Cir. 2012) (the First Amendment protects the open filming of law enforcement in public while they are engaged in their duties).

- On October 10, 2025, federal agents arrested and detained, then later released, a U.S. citizen without pressing charges.³² Notably, the Trump administration has repeatedly falsely conflated protected First Amendment activity of recording law enforcement, *Alvarez*, 679 F.3d at 595–608, with “violence.”³³

Basis for Criminal Investigation

The conduct of President Trump, senior Trump officials, and federal agents in these raids demands criminal investigation under Illinois law.³⁴

By killing Villegas-Gonzalez, the ICE agents involved may be liable for first degree murder, 720 ILCS 5/9-1, second degree murder, 720 ILCS 5/9-2, involuntary manslaughter or reckless homicide, 720 ILCS 5/9-3.

By detaining residents by force with no lawful authority, attacking residents, ramming their vehicles into civilians, and releasing chemical agents into crowded areas, these agents may have committed several crimes under Illinois law, including assault, 720 ILCS 5/12-1, aggravated assault, 720 ILCS 5/12-2, battery, 720 ILCS 5/12-3, aggravated battery, 720 ILCS 5/12-3.05, mob action, 720 ILCS 5/25-1, disorderly conduct, 720 ILCS 5/26-1, and/or reckless conduct, 720 ILCS 5/12-5.

[clash-with-cemetery-workers-attempting-to-help-man-in-des-plaines-river/](#) (last accessed Oct. 14, 2025).

³² Christine Flores & Courtney Spinelli, *WGN employee detained amid ICE activity on Chicago’s North Side, later released*, WGN (Oct. 10, 2025), <https://wgntv.com/news/operation-midway-blitz/wgn-employee-detained-amid-ice-activity-on-chicagos-north-side-later-released/> (last accessed Oct. 14, 2025).

³³ Forbes Breaking News, *Kristi Noem Claims Videotaping ICE Agents Is ‘Violence’ Following Camarillo, California Farm Raids*, YouTube (July 14, 2025), <https://www.youtube.com/watch?v=uDFX4q6huH8>, at 0:26 min (last visited Oct. 14, 2025); *see also* Dell Cameron, *DHS Tells Police That Common Protest Activities Are ‘Violent Tactics’*, Wired (July 10, 2025), <https://www.wired.com/story/dhs-tells-police-that-common-protest-activities-are-violent-tactics/> (last accessed Oct. 14, 2025).

³⁴ We are aware of and support Governor Pritzker’s creation of the Illinois Accountability Commission which, among other things, is empowered to “[r]efer, as appropriate, information or reports of potential violations of law to the agencies or entities responsible for investigating or enforcing such violations.” Illinois Accountability Commission, *About the Commission*, <https://ilac.illinois.gov/about-ilac.html> (last accessed Oct. 24, 2025). However, as the officers with the primary responsibility of investigating and prosecuting crimes in Chicago and Cook County, you have a duty to investigate crimes as they happen and when you become aware of them, not when the governor refers them to you. This is especially true here, where federal officials and agents’ unlawful actions are clearly documented, sometimes by the officials themselves.

In unlawfully entering residents' homes, federal agents may have committed acts of burglary, 720 ILCS 5/19-1, and/or criminal trespass to a residence, 720 ILCS 5/19-4. In wantonly destroying residents' property, they may have committed acts of criminal damage to property, 720 ILCS 5/21-1, and/or looting, 720 ILCS 5/25-4. And in unnecessarily using a helicopter and military-type vehicles on civilian populations, they may have committed acts of mob action, 720 ILCS 5/25-1, disorderly conduct, 720 ILCS 5/26-1, and/or reckless conduct, 720 ILCS 5/12-5.

Further, it is a crime under Illinois to conspire “to inflict harm on any other person” or to threaten “physical harm on any other person” if done “with the intent to interfere with the free exercise of any right or privilege secured by the Constitution of the United States, the Constitution of the State of Illinois, the laws of the United States, or the laws of the State of Illinois.” 720 ILCS 5/8-2.1(a). These include the Freedom of Speech guaranteed by both the federal and state constitutions. U.S. Const. amend. I; Ill. Const. art. IV, §§ 4, 5. As discussed above, these military-style assaults on working class communities of color are acts of political retribution against Trump’s perceived political enemies, not legitimate law enforcement actions, and as such these actions may be a violation of Illinois law protecting its residents’ civil rights. And insofar as this act was one of political retaliation—to prevent individuals from opposing the Trump administration in the future—it may constitute intimidation under Illinois law. 720 ILCS 5/12-6.

Similarly, Bovino’s admission that federal agents are using race to identify who to detain raises the possibility of hate crime charges in connection with “assault, battery, aggravated assault, intimidation, stalking, cyberstalking, misdemeanor theft, criminal trespass to residence, misdemeanor criminal damage to property, criminal trespass to vehicle, criminal trespass to real property, mob action, [or] disorderly conduct.” 720 ILCS 5/12-7.1.

Finally, given the orchestrated nature of the raids, your offices should investigate the potential criminal liability of senior Trump officials and Trump himself.³⁵ Dozens of residents were detained because the agents were ordered to detain as many residents as possible; children were kidnapped because the agents were directed to kidnap them; property was destroyed because the agents were directed to destroy it. As discussed above, Secretary Noem and Bovino have made it clear their goal is to stop First Amendment protected activity if it displeases President Trump. The brutality and illegality of these operations is a feature, not a bug; they are designed to crush dissent and spread fear among President Trump’s perceived political enemies and marginalized communities.

³⁵ While the Supreme Court in *Trump v. United States*, 603 U.S. 593 (2024), held that presidents are entitled to at least presumptive immunity for official acts, using military-style force against civilians to stifle political dissent is not an official act.

Immunity Does Not Preclude Prosecution

The immunity available to federal officials under the Supremacy Clause of the U.S. Constitution³⁶ is not available in all circumstances and does not preclude criminal investigation in the circumstances discussed above. Indeed, the police chief of Broadview, Illinois has already initiated three criminal investigations into ICE officers who attempted to coopt local law enforcement into arresting peaceful protestors and journalists.

The Supremacy Clause “is designed to ensure that states do not ‘retard, impede, burden, or in any manner control’ the execution of federal law.” *New York v. Tanella*, 374 F.3d 141, 147 (2d Cir. 2004) (quoting *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 436 (1819)). It does not, however, “gran[t] a license to federal officials to flout state laws with impunity.” *Whitehead v. Senkowski*, 943 F.2d 230, 234 (2d Cir. 1991). The Supreme Court set out the appropriate standard for assessing the availability of Supremacy Clause immunity in *Cunningham v. Neagle*: a state may not exercise criminal jurisdiction over a federal agent provided that “he was authorized to [act] by the law of the United States,” and that “in doing that act, he did no more than what was necessary and proper for him to do.” 135 U.S. 1, 75 (1890); *see also Tanella*, 374 F.3d at 147; *Kentucky v. Long*, 837 F.2d 727, 744 (6th Cir. 1988) (“Under Neagle, a state court has no jurisdiction if (1) the federal agent was performing an act which he was authorized to do by the law of the United States and (2) in performing that authorized act, the federal agent did no more than what was necessary and proper for him to do.”). To satisfy the second prong, two conditions must be satisfied: (1) the federal officer must “subjectively [believe] that the actions were authorized”; and (2) that belief must be “objectively reasonable under the circumstances.” *Long*, 837 F.2d at 744. If there are genuine disputes of fact as to the officer’s reasonableness, the criminal proceedings may continue to trial to resolve those disputes. *U.S. ex rel. Drury v. Lewis*, 200 U.S. 1, 7–8 (1906).

Supremacy Clause immunity therefore does not protect federal officers who act outside the law or beyond what is subjectively and objectively necessary and proper. When they do either, they may be held criminally liable in state court for violating state laws. *Morgan v. People of State of California*, 743 F.2d 728, 733–34 (9th Cir. 1984) (federal agents who may have been intoxicated on the job and may have instigated an altercation with civilians were not immune to state prosecution).

³⁶ Illinois provides civil immunity for federal officers “while acting as a peace officer,” provided the act was not “wilful [sic] and wanton conduct.” 745 ILCS 22/10. That immunity is irrelevant to criminal investigations. Regardless, an officer who knew, and in some cases an officer who should have known, that their actions were not necessary or proper, acts “wilfully [sic] and wantonly” under Illinois law. *Hancock v. United States*, No. 22-cv-50127, 2025 WL 843893, at *6 (N.D. Ill. Mar. 17, 2025).

If a criminal investigation finds even one of the following—that federal officials lacked legal authority, did not believe their actions were authorized, or could not have reasonably believed so—then state prosecution may proceed. Here, there is strong evidence that at least one—if not all three—of those conclusions is met in many of the circumstances described above. President Trump and senior officials violated U.S. law to orchestrate these raids, engaged in conduct they likely did not believe was lawful and that no reasonable official could believe was lawful.

1. U.S. officials likely lacked legal authority for their actions during the raids.

As discussed above, President Trump and senior officials have repeatedly made it clear, in public forums, that the military-style deployment of federal agents in the greater Chicago area is an act of political retribution and stifling of dissent. There is simply no lawful authority that empowers the executive to punish his political adversaries with assault, detainments, or property damage. *NRA v. Vullo*, 602 U.S. 175, 188 (2024) (the government may not “use the power of the State to punish or suppress disfavored expression”). Federal agents are not President Trump’s private army that he can wield in defiance of state law with impunity.

Furthermore, while federal agents are empowered to detain people suspected of illegally residing in the United States, *see, e.g.*, 8 U.S.C. § 1226, noncitizens have constitutional rights, *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001), including the right to not be detained without a warrant or probable cause, *Almeida-Sanchez v. United States*, 413 U.S. 266, 273–75 (1973). For the same reason, federal agents have no authority to preemptively detain individuals and then require proof of citizenship as the price of freedom. *Cf. id.* at 275 (“Among deprivations of rights, none is so effective in cowing a population, crushing the spirit of the individual and putting terror into every heart. Uncontrolled search and seizure is one of the first and most effective weapons in the arsenal of every arbitrary government.”) (quoting *Brinegar v. United States*, 338 U.S. 160, 180 (1949) (Jackson, J., dissenting)). Many of the incidents described above appear to involve warrantless searches, without probable cause, in defiance of *Almeida-Sanchez*.

In some of the incidents described above, especially Bovino’s planned attack on peaceful protestors, the unlawfulness is planned. These are not cases where a federal agent is within the scope of their duties, but there is a dispute as to whether their conduct was reasonable. *See, e.g., Wyoming v. Livingston*, 443 F.3d 1211, 1226–28 (10th Cir. 2006) (federal agents were specifically authorized to track wolf populations). Instead, federal agents are being tasked by their superiors with committing crimes unrelated to any official authority. In such cases, federal immunity does not attach. *See, e.g., Drury*, 200 U.S. at 8 (holding that if a suspect had surrendered, fatally shooting him on a superiors’ orders “could not reasonably be claimed [to have been done] in the performance of a duty imposed by the Federal law.”).

2. U.S. officials likely knew, or should have known, their actions were not necessary or proper.

The actions of federal agents described above were not necessary or proper. Even if they subjectively believed that the actions were authorized—which they likely did not³⁷—their belief was not “objectively reasonable under the circumstances.” *Long*, 837 F.2d at 744. This is especially true for any actions federal agents take after October 9, 2025, in defiance of Judge Ellis’ order to comply with the Constitution while engaging in law enforcement activity in the greater Chicago area.

Numerous videos have shown federal agents detaining or otherwise assaulting individuals with no or little provocation. As discussed above, it has been settled law in the Seventh Circuit for over a decade that videotaping law enforcement in public is protected by the First Amendment. *Alvarez*, 679 F.3d at 595–608. It has been settled law since 1975 that federal agents cannot detain individuals without probable cause in “roving patrols.” *Almeida-Sanchez*, 413 U.S. at 273–75. It has been clear since at least October 9, 2025, that federal agents may not “us[e] physical force against any person whom they know or reasonably should know is a journalist,” “[i]ssu[e] a crowd dispersal order requiring any person to leave a public place that they lawfully have a right to be, unless dispersal is justified by exigent circumstances,” “[u]s[e] riot control weapons . . . on members of the press, protestors, or religious practitioners who are not posing an immediate threat to the safety of law enforcement officer or others,” use a variety of specific riot control weapons that are particularly dangerous unless “in equivalent circumstances to those where the officer is authorized to use deadly force,” and otherwise comply with the Constitution.³⁸ No reasonable officer could believe that it is appropriate to detain journalists for doing their job, to detain residents for documenting public arrests, to destroy property for no apparent reason, or to set off smoke bombs in public absent direct threats to their safety. They certainly cannot believe that it is necessary or proper to murder residents who do not pose a risk to their safety.

Finally, the administration has failed to produce any evidence it purportedly has to justify their apparently unlawful actions.³⁹ Indeed, Governor Pritzker described the killing of Villegas-Gonzalez as “the most unusual situation I’ve seen

³⁷ Indeed, public remarks from President Trump and officials like Noem and Bovino present compelling evidence that federal agents know their job is to enact political retribution, not legitimate law enforcement activities.

³⁸ See generally Temporary Restraining Order, *Chicago Headline Club v. Noem*, 25-cv-12173 (N.D. Ill. 2025), <https://protectdemocracy.org/wp-content/uploads/2025/10/25-12173-Chicago-Headline-Club-v.-Noem-Final-TRO-Order.pdf> (last accessed Oct. 14, 2025).

³⁹ Molly DeVore, *Mexican Independence Day Celebration Doubles As Protest After ICE Killed Franklin Park Dad*, Block Club Chicago (Sep. 16, 2025), <https://blockclubchicago.org/2025/09/16/mexican-independence-day-celebration-doubles-as-protest-after-ice-killing-of-franklin-park-dad/> (last accessed Oct. 14, 2025).

in my entire lifetime, where we have no transparency and the federal government is not policing itself.”⁴⁰

The available evidence does not support a claim of immunity, but even if there is a dispute of fact over immunity, immunity does not and should not prevent state criminal investigations. *Drury*, 200 U.S. at 7–8; *Whitehead*, 943 F.2d at 235–36 (fact disputes precluded federal immunity); *Morgan*, 743 F.2d at 733–34 (same); *Birsch v. Tumbleson*, 31 F.2d 811, 815–16 (4th Cir. 1929) (in similar situation, factual disputes meant refusal to discharge writ of habeas corpus brought by federal officer was not an abuse of discretion); *Castle v. Lewis*, 254 F. 917, 925–26 (8th Cir. 1918) (same). Criminal investigations and indictments may pressure the federal government to release evidence that federal agents are, in fact, complying with the Constitution. But in the absence of evidence to support the lawfulness of the Administration’s actions, criminal prosecutions should proceed, and will serve as a deterrent to the administration’s behavior.

State governments have a role in this nation’s system of laws that must prevent, not enable, the rise of a lawless regime. Illinois need not and should not wait for its residents to institute civil actions or for the criminal and removal proceedings to reveal the scope of the Trump Administration’s abuses. Illinois has the power and duty to enforce its criminal laws, even against federal actors and even against powerful defendants. As the state of New York demonstrated in its prosecution of Donald Trump for falsifying business records to cover up his hush money payments to an adult film star during his 2016 campaign, *see New York v. Trump*, Verdict Sheet, Indictment No. 71543-23 (Sup. Ct. N.Y. Part 59, May 29, 2024), states have the authority and responsibility to protect their residents and enforce their laws, regardless of defendants’ wealth, power, or prestige.

⁴⁰ *Id.*

Conclusion

We urge your offices to immediately begin a thorough investigation to determine whether charges should be brought against those responsible for the unlawful conduct cited in this letter.

Sincerely,

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