

December 11, 2025

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Dear Attorney General Campbell, District Attorney Hayden, District Attorney Ryan, District Attorney Tucker, and District Attorney Early,

We respectfully urge your offices, consistent with applicable law, to open investigations into the activities of federal agents in Massachusetts. In incidents across the state, federal agents have repeatedly committed criminal acts that are not immunized by federal law. Federal agents have kidnapped and assaulted residents with no criminal records or reason to believe they are undocumented, as part of an orchestrated retaliation campaign against Massachusetts and Boston 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

In May¹ and September² 2025, the Trump administration announced “Patriot 1.0” and “Patriot 2.0,” immigration operations targeting Latino and immigrant communities in Massachusetts. Although DHS has claimed that it is targeting hardened criminals,³ most of the individuals detained have had no significant criminal history.⁴ Instead, the raids have made communities less secure, tearing apart families and brutalizing residents.⁵

Instead, President Trump and senior officials reveal the true reason for these operations: political retribution. After Mayor Wu capably defended herself in a Congressional hearing in March 2025,⁶ senior officials threatened to “flood” Boston with agents,⁷ send in the military,⁸ and—bizarrely—take away the World Cup.⁹ On

¹ Press Release, *ICE, federal partners arrest nearly 1,500 illegal aliens in Massachusetts during immigration enforcement operation*, ICE (June 2, 2025), <https://www.ice.gov/news/releases/ice-federal-partners-arrest-nearly-1500-illegal-aliens-massachusetts-during> (last accessed Nov. 7, 2025).

² Press Release, *ICE, federal partners arrest more than 1,400 illegal aliens in Massachusetts during Patriot 2.0, including murderers, rapists, drug traffickers, child sex predators and members of violent transnational criminal gangs*, ICE (Oct. 16, 2025), <https://www.ice.gov/news/releases/ice-federal-partners-arrest-more-1400-illegal-aliens-massachusetts-during-patriot-20> (last accessed Nov. 7, 2025).

³ *Id.*

⁴ Katie Muchnick, *ICE enforcement surge leads to 1,400 arrests in September, less than half with ‘significant’ criminal background*, Boston Globe (Oct. 17, 2025), <https://www.bostonglobe.com/2025/10/17/metro/ice-operation-patriot20-september-arrests/> (last accessed Nov. 6, 2025).

⁵ Sarah Betancourt, *‘It’s my responsibility’: In the wake of ICE raids, youth support their families*, GBH (Oct. 10, 2025), <https://www.wgbh.org/news/local/2025-10-10/its-my-responsibility-in-the-wake-of-ice-raids-youth-support-their-families> (last accessed Nov. 6, 2025).

⁶ *Boston Mayor Wu testifies before Congress on immigration policies*, GBH (Mar. 5, 2025), <https://www.wgbh.org/politics/live-updates/boston-mayor-wu-testifies-before-congress-on-immigration-policies> (last accessed Nov. 7, 2025); Annie Jonas, *Mayor Michelle Wu represented Boston well at the ‘sanctuary cities’ congressional hearing, readers say. Here’s why.*, Boston.com (Mar. 6, 2025), <https://www.boston.com/community/readers-say/2025/03/06/mayor-michelle-wu-represented-boston-well-at-the-sanctuary-cities-congressional-hearing-readers-say-heres-why/> (last accessed Nov. 7, 2025).

⁷ Brian Snyder, *ICE chief threatens to ‘flood’ Boston with agents after mayor won’t abandon sanctuary policy*, NBC (Aug. 21, 2025), <https://www.nbcnews.com/news/us-news/ice-chief-boston-mayor-michelle-wu-rcna226340> (last accessed Nov. 7, 2025).

⁸ Adam Reilly & Mark Herz, *The escalating standoff between Mayor Wu and the Trump administration*, GBH (Aug. 22, 2025), <https://www.wgbh.org/news/politics/2025-08-22/the-escalating-standoff-between-mayor-wu-and-the-trump-administration> (last accessed Nov. 7, 2025).

⁹ Will Weissert, *Trump threatened to move World Cup games away from Boston, but it’s up to FIFA to pick sites*, GBH (Oct. 15), <https://www.pbs.org/newshour/politics/trump-threatened-to-move-world-cup-games-away-from-boston-but-its-up-to-fifa-to-pick-sites> (last accessed Nov. 7, 2025).

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.”¹⁰ The actions of federal agents have only confirmed that their purpose in Massachusetts is to repress and punish dissent, not to enforce federal law.

Since the summer of 2025, federal agents have engaged in military-style operations throughout Massachusetts. 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 Massachusetts residents by federal agents.

- On May 31, 2025, federal agents took an 18-year old into custody in Worcester County on his way to volleyball practice with no warrant or reason to detain him; they also detained several minors in the car with him with no warrant or reason.¹¹ He was detained for six days in a facility with no access to showers or sufficient food; he sometimes was given only crackers for a meal. He also served informally as a translator to the men detained with him, who only spoke Portuguese or Spanish and were asked by federal agents to sign documents they did not understand.¹²
- On June 4, 2025, federal agents detained Alejandro Reyes in Essex County and allegedly brought him to a cemetery where they beat him before discovering he had a green card, then threatened to “revoke” the green card after discovering it.¹³
- In September of 2025, masked ICE agents detained Hernan Escobar on his way to work by smashing his car window, forcibly trying to remove him from the car, and pointing a taser at him, despite giving the agents his identification and pleading with them to wait for his wife. The agents—who

¹⁰ 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 Nov. 7, 2025).

¹¹ Logan Hall & Riley Rourke, *Milford, Massachusetts student speaks out after friend is detained by ICE agents on way to volleyball practice*, CBS (June 4, 2025), <https://www.cbsnews.com/boston/news/milford-high-school-ice-agent-detained/> (last accessed Nov. 6, 2025).

¹² Tréa Lavery, *Milford High student released from ICE detention: ‘Nobody should be in here’*, MassLive (June 11, 2025), <https://www.masslive.com/news/2025/06/milford-high-student-released-from-ice-detention-nobody-should-be-in-here.html> (last accessed Nov. 6, 2025).

¹³ Mercedes Paris & Solangi Sosa, *Massachusetts worker says he was beaten in custody after ICE arrest*, NBC (June 6, 2025), <https://www.nbcnewyork.com/news/national-international/worker-arrested-by-ice-in-lynn-released-a-day-later-says-he-was-beaten-in-custody/6292515/> (last accessed Nov. 6, 2025).

refused to identify themselves to Mr. Escobar—hurt him badly enough that he needed to be taken away on a stretcher to a detention center, where he still being held.¹⁴ Escobar is married to a U.S. citizen and was in the process of obtaining legal status.¹⁵

- On September 26, 2025, during a violent traffic stop, ICE detained several U.S. citizens and legal residents, including a 13-year-old boy with autism, while arresting an undocumented resident, using excessive force while doing so.¹⁶
- On October 9, 2025, ICE agents arrested a 13-year-old boy, Arthur Berto, in Everett police custody and transferred him to Virginia a day later, evading a pending successful habeas petition that resulted in an order to have him released.¹⁷ That order was later rescinded on the grounds that it was issued after the minor was moved.¹⁸ Although DHS claimed publicly Berto was carrying a gun and a knife, Everett police asserted that he had no gun.¹⁹ Furthermore, Berto is still in custody nearly a month later despite a requirement under the *Flores* settlement that he have a prompt bond hearing.²⁰
- On November 4, 2025, ICE agents raided a Boston car wash and arrested nine individuals, claiming they were all undocumented.²¹ However, the

¹⁴ William Brangham & Ian Couzens, ‘My husband is not a threat’: ICE detains man married to U.S. citizen, PBS (Oct. 8, 2025), <https://www.pbs.org/newshour/show/my-husband-is-not-a-threat-ice-detains-man-married-to-u-s-citizen> (last accessed Nov. 6, 2025); Sarah Betancourt, *Husband of local attorney detained by ICE in window shattering incident*, GBH (Sep. 18, 2025), <https://www.wgbh.org/news/local/2025-09-18/husband-of-local-attorney-detained-by-ice-in-window-shattering-incident> (last accessed Nov. 13, 2025).

¹⁵ *Id.*

¹⁶ Giulia McDonnell Nieto del Rio, *Chelsea family says ICE violently detained multiple family members, including permanent resident, at vehicle stop*, Boston Globe (Sep. 26, 2025), <https://www.bostonglobe.com/2025/09/26/metro/chelsea-violent-ice-arrest/?p1=Article Inline Text Link> (last accessed Nov. 6, 2025).

¹⁷ Adam Bass, *Mass. 13-year-old was picked up by ICE after a police interaction and now he’s hundreds of miles from home*, MassLive (Oct. 13, 2025), <https://www.masslive.com/boston/2025/10/mass-13-year-old-was-picked-up-by-ice-after-a-police-interaction-and-now-hes-hundreds-of-miles-from-home.html> (last accessed Nov. 6, 2025).

¹⁸ Andy Rose & Allesandra Freitas, *Her 13-year-old son was arrested, then taken by ICE to a detention facility. The police chief calls it a first for his city*, CNN (Oct. 15, 2025), <https://www.cnn.com/2025/10/15/us/13-year-old-detained-ice-boston> (last accessed Nov. 6, 2025).

¹⁹ *Id.*

²⁰ *Id.*

²¹ David Bienick, *Dept. of Homeland Security issues statement after 9 arrested in ICE raid at Boston car wash*, WCVB (Nov. 7, 2025), <https://www.wcvb.com/article/ice-raid-allston-car-wash-dhs-statement/69285762> (last accessed Nov. 7, 2025); Sarah Betancourt, *ICE detains 9 at Allston-Brighton car wash in what could be neighborhood’s largest raid of the year*, GBH (Nov. 4, 2025), <https://www.wgbh.org/news/local/2025-11-04/ice-detains-9-at-allston-brighton-car-wash-in-what-could-be-neighborhoods-largest-raid-of-the-year> (last accessed Nov. 6, 2025).

owner claims that at least some of the employees have some sort of legal status, but that most of the agents did not identify themselves, and did not give the individuals—most of whom only speak limited English—an opportunity to obtain their papers from their lockers.

- On November 20, 2025, federal agents detained and deported a first-year college student without a warrant or any proof that she was subject to a final deportation order and in defiance of a court order that she remain in Massachusetts while her case was pending.²²

Basis for Criminal Investigation

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

For unlawfully beating and detaining residents, federal agents and officials may be guilty of assault and battery. M.G.L. c. 265, § 13A. Insofar as those were based on an individual's race,²³ they may constitute a violation of the residents' constitutional rights, which is a criminal offense under Massachusetts law. .G.L. c. 265, § 37. Similarly, insofar as the assaults were the result of the "race, color . . . [or]national origin," of the resident, federal agents and officials may be guilty of assault and battery for purpose of intimidation. M.G.L. c. 265, § 39.

For unlawfully detaining individuals without a warrant or probable cause and transporting them across state lines, federal agents and officials may be guilty of kidnapping. M.G.L. c. 265, § 26.

Finally, given the orchestrated nature of the raids, your offices should investigate the potential criminal liability of senior Trump officials and Trump himself.²⁴ 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.

²² Amanda Holpuch & Annie Correal, *College Student is Deported During Trip Home for Thanksgiving*, N.Y. Times (Nov. 30, 2025), <https://www.nytimes.com/2025/11/30/us/politics/college-student-deported-thanksgiving-texas.html> (last accessed Dec. 1, 2025).

²³ Cf. 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 Nov. 7, 2025).

²⁴ 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. Constitution is not available in all circumstances and does not preclude criminal investigation in the circumstances discussed above. Indeed, police forces in Illinois²⁵ and Colorado²⁶, have already initiated criminal investigations into ICE officers for violating local laws and the New York State Attorney General has created a portal to track and potentially investigate federal agents who violate state law.²⁷ Attorney General Dan Rayfield, along with three county district attorneys, sent a letter to Pam Bondi informing her that they were investigating federal agents for possible criminal charges.²⁸ Former Speaker Pelosi and the San Francisco District Attorney have endorsed criminal investigations of federal agents as well.²⁹ Massachusetts should follow suit.

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

²⁵ 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 Nov. 7, 2025).

²⁶ Jack Healy, *An Altercation With ICE Prompts a Police Chief to Push Back*, N.Y. Times (Nov. 3, 2025), <https://www.nytimes.com/2025/11/03/us/politics/durango-colorado-ice-protester.html> (last accessed Nov. 7, 2025).

²⁷ Press Release, *Attorney General James Launches Portal to Collect Photos and Videos of ICE Activity in New York*, New York State Attorney General’s Office (Oct. 22, 2025), <https://ag.ny.gov/press-release/2025/attorney-general-james-launches-portal-collect-photos-and-videos-ice-activity> (last accessed Nov. 4, 2025).

²⁸ Yesenia Amaro, *Can Oregon prosecute federal agents? State officials say they’ll try*, The Oregonian (Dec. 1, 2025), <https://www.oregonlive.com/politics/2025/11/can-oregon-prosecute-federal-agents-state-officials-say-theyll-try.html> (last accessed Dec. 10, 2025).

²⁹ Heather Knight & Kellen Browning, *Pelosi Says Police May Arrest Federal Agents Who Violate California Law*, N.Y. Times (Oct. 22, 2025), <https://www.nytimes.com/2025/10/22/us/politics/nancy-pelosi-ice-agent-arrest.html?smid=nytcore-ios-share&referringSource=articleShare> (last accessed Nov. 14, 2025).

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); *Pales v. Paoli*, 5 F.2d 280, 280–82 (1st Cir. 1925) (conduct of federal agent who attempted to stop a car without reasonable suspicion the inhabitants were committing a crime and fired on it for driving on rather than stopping was “wholly illegal and unauthorized” and therefore agent was not immune from prosecution).

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 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 Massachusetts is an act of political retribution. 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*. Immunity does not attach in such cases. *Cf. Pales*, 5 F.2d at 280–82 (where federal prohibition agent was tasked with searching every car coming into town for liquor, only “facts . . . that would have warranted a reasonably prudent man in believing [the suspect] was transporting liquor” justified a search such that immunity would attach to any criminal act conducted in the course of that search).

In some of the incidents described above, the unlawfulness is planned. These are not cases where a federal agent is within the scope of their duties, and the dispute is 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.”); *Pales*, 5 F.2d at 280–82 (finding that an agent who acted as ordered in searching every car rather than those he had a reasonable basis to think were violating the law did not have immunity for crimes committed in the course of unjustified searches).

2. U.S. officials knew or should have known that 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 not³⁰—their belief was not “objectively reasonable under the circumstances.” *Long*, 837 F.2d at 744.

Numerous videos have shown federal agents detaining or assaulting individuals with no or little provocation. 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. And no reasonable officer could think they have authority to conduct warrantless detentions of individuals without probable cause.

³⁰ Indeed, public remarks from President Trump and senior officials present compelling evidence that federal agents know their job is to enact political retribution, not legitimate law enforcement activities.

The administration has failed to produce any evidence it purportedly has to justify their apparently unlawful actions. The available evidence does not support a claim of immunity, and there is clear evidence that federal agents and officials are systematically lying about and exaggerating instances of “violence” against them.³¹ 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.

State governments have a role in this nation’s system of laws that must prevent, not enable, the rise of a lawless regime. Massachusetts 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. Massachusetts 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.

³¹ James Queally & Brittny Mejia, *Attacks on ICE up 1,000%? Trump administration claim not backed up by court records*, L.A. Times (Dec. 1, 2025), <https://www.latimes.com/california/story/2025-12-01/dhs-1000-percent-increase-attacks-on-ice-agents-times-analysis> (last accessed Dec. 1, 2025).

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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