



**TOWN OF AMHERST RESOLUTION CALLING FOR FEDERAL IMMIGRATION AGENTS
TO BE HELD ACCOUNTABLE FOR VIOLATIONS OF MASSACHUSETTS CRIMINAL LAW**

Council Sponsors: Councilors Brevik, Cano-Martin, Walker, Devlin Gauthier, Taub

Community Sponsors: John Bonifaz, Free Speech For People, Jeff Conant, Allegra Clark, Andrew Melnechuk

WHEREAS, Amherst is home to a thriving community of immigrants, both permanent residents and members of the colleges that form an integral part of the Amherst community; and

WHEREAS, Amherst values the contributions of all of its immigrant residents, and seeks to treat them with dignity and respect; and

WHEREAS, the Trump administration has indicated it will continue to use federal agents and troops to terrorize immigrants, communities of color, protesters, and communities whose elected officials oppose Trump or his policies; and

WHEREAS, the Trump administration has insisted, contrary to the clear letter of the law, that federal agents and troops have absolute immunity from any state prosecution, up to and including prosecutions related to assaults, kidnappings, and killings; and

WHEREAS, the U.S. Department of Justice is refusing to investigate in good faith the crimes committed by federal agents, and instead, in coordination with the Trump administration, has adopted a functional policy of noncooperation with local law enforcement when federal agents kill, assault, or otherwise injure residents of the United States; and

WHEREAS, the U.S. Department of Justice, in coordination with the Trump administration, has undertaken unlawful investigations into the protected speech and associations of victims of Immigration and Customs Enforcement (ICE) brutality, in violation of their First Amendment rights and further demonstrating that the Department of Justice is not acting in good faith to protect the people of the United States; and

WHEREAS, the sworn duty of local law enforcement is to protect all residents against criminal acts and uphold the laws of the Commonwealth and the Constitution of the United States; and

WHEREAS, section 287(g) of the Immigration and Nationality Act authorizes U.S. Immigration and Customs Enforcement to delegate to local police the authority to enforce civil immigration policy; and

WHEREAS, despite the purpose of 287(g) agreements being initially to identify the legal status of individuals already detained in jail for violent crimes, beginning in 2006, it has led some municipal law enforcement agencies to affirmatively enforce civil immigration law, moving the focus of enforcement away from violent offenders to peaceful residents; and

WHEREAS, the use of section 287(g) agreements has diverted tax payer resources away from public safety and to immigration enforcement, and has led to gross civil rights abuses across the nation, including abuses against Massachusetts residents across the Commonwealth; and



**TOWN OF
AMHERST
MASSACHUSETTS**

WHEREAS, every entity that held 287(g) agreements in Massachusetts, except the Massachusetts Department of Corrections, has terminated those agreements, finding themselves liable for civil rights lawsuits costing hundreds of thousands of dollars, and their resources stretched as they attempted to take on the federal government's responsibilities in addition to their own; and

WHEREAS, while most Massachusetts law enforcement entities have terminated their agreements, the program has grown nationally from 37 agreements in 2017 to 649 agreements as of June 2025, ensuring more civil rights abuses and more taxpayer money being misappropriated to detain peaceful residents; and

WHEREAS, on March 25, 2025, Rümeysa Öztürk, a PhD student at Tufts University, was kidnapped by masked agents and transported across the country in defiance of court orders, for exercising her First Amendment rights in writing an op-ed critical of US government conduct and in support of Palestinian human rights; and

WHEREAS, in May and September 2025, the Trump administration began operations targeting Latino and immigrant communities in Massachusetts, with most of those detained having no criminal records, in unconstitutional retaliation for the perceived political affiliation of Massachusetts residents; and

WHEREAS, during the course of these operations, agents of Immigration and Customs Enforcement and Customs and Border Protection (CBP) repeatedly committed acts of violence against Massachusetts residents, which included: illegally kidnapping an 18-year old with no warrant and detaining him for a week with no access to showers or sufficient food in Worcester County; illegally kidnapping and assaulting a lawful permanent resident in Essex County, stealing his belongings, and threatening his legal status; assaulting a resident of Middlesex County, smashing his car's windows and dragging him from it; detaining a first-year college student at Boston Logan Airport and forcing her out of the country in defiance of a court order; and repeatedly using unlawfully excessive force in encounters with Massachusetts residents; and

WHEREAS, public reporting indicates that federal officials and agents have admitted to illegally targeting residents by their race or color, and the federal government has taken the position in *Vazquez Perdomo v. Noem*, 148 F.4th 656 (9th Cir. 2025), that racial profiling is acceptable in policing; and

WHEREAS, such incidents may be crimes under Massachusetts law, including but not limited to, assault and battery, kidnapping, violation of constitutional rights, and assault and battery for the purpose of intimidation, and conspiracy, which may involve senior federal officials, including President Donald Trump and Secretary Kristi Noem; and

WHEREAS, the Supremacy Clause of the U.S. Constitution does not "gran[t] a license to federal officials to flout state laws with impunity," *Whitehead v. Senkowski*, 943 F.2d 230, 234 (2d Cir. 1991) and provides no immunity to federal officials who violate state criminal laws without legal authority, who did not believe their actions were necessary or proper, or whose actions were not objectively reasonable; and



TOWN OF
AMHERST
MASSACHUSETTS

WHEREAS, there is a well-established history of state prosecutions of federal agents and troops who commit crimes in violation of state law;¹ and

WHEREAS, relevant Massachusetts authorities were informed of unlawful acts by federal agents and the legal basis for sustaining investigations and prosecutions against the perpetrator agents in a December 11, 2025 letter from Free Speech For People, a nonprofit organization that is calling on state and local officials to fulfill their investigatory and prosecutorial responsibilities to protect the people of our country; and

WHEREAS, local officials in California, Colorado, Illinois, Minnesota, New York, Pennsylvania, and Oregon have either stated affirmatively that their officials will investigate similar incidents under state criminal law, or have begun criminal investigations into crimes that have been committed by federal agents in their jurisdictions; and

WHEREAS, the Amherst Town Council has called for consistent upholding of the United States Constitution and human rights in the *Resolution in Support of Democracy and Calling for a Return to the Constitutional Principles that are the Foundation of our Republic, as well as the Town of Amherst Sanctuary Community Bylaw*.

NOW THEREFORE, BE IT RESOLVED, we the Amherst Town Council do hereby condemn the unconstitutional actions of President Trump, his appointees, and federal agents engaged in unlawful operations to attack people in Massachusetts communities on the basis of their perceived race, ethnicity, language, or political preferences, and call on other communities and public officials to join in this condemnation.

BE IT FURTHER RESOLVED, that we call upon Attorney General Andrea Campbell, Hampshire County District Attorney David E. Sullivan, and Amherst Police Chief Gabriel Ting, to take affirmative steps to protect residents of the Commonwealth, Hampshire County, and the Town of Amherst from the unlawful actions of federal forces, including but not limited to

- making a public statement confirming the principles that federal officials and agents are subject to state criminal jurisdiction,
- taking affirmative steps to collect evidence of criminal acts committed by federal agents, including through the creation and dissemination of an accessible online tool for citizens to submit evidence,
- issuing guidelines to local law enforcement to preserve evidence, especially in cases of federal noncooperation with investigations, and beginning investigations where evidence indicates that a crime has been committed, regardless of the power or prestige of the federal officeholder who is suspected of committing said crime.

BE IT FURTHER RESOLVED, that we call upon Governor Maura Healey and Lieutenant Governor Kim Driscoll to immediately cease all cooperation agreements with ICE, including ending the 287(g)

¹ *U.S. ex rel. Drury v. Lewis*, 200 U.S. 1, 7–8 (1906); *Whitehead v. Senkowski*, 943 F.2d 230, 235–36 (2d Cir. 1991); *Morgan v. People of State of California*, 743 F.2d 728, 733–34 (9th Cir. 1984); *Birsch v. Tumbleson*, 31 F.2d 811, 815–16 (4th Cir. 1929); *Pales v. Paoli*, 5 F.2d 280, 280–82 (1st Cir. 1925); *Castle v. Lewis*, 254 F. 917, 925–26 (8th Cir. 1918)



TOWN OF
AMHERST
MASSACHUSETTS

agreement with the Massachusetts Department of Corrections and any informal agreements that may be in place.

BE IT FURTHER RESOLVED, that the Clerk of the Town Council shall cause this resolution to be submitted to Governor Maura Healey, Lieutenant Governor Kim Driscoll, Attorney General Andrea Campbell, Hampshire County District Attorney David E. Sullivan, and Amherst Police Chief Gabriel Ting.

Voted this ____ day of February, 2026

Mandi Jo Hanneke

Town Council President