

March 25, 2026

The Honorable Letitia James
Office of the New York State Attorney General
The Capitol
Albany, New York 12224

District Attorney Alvin Bragg
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Dear Attorney General James, District Attorney Bragg, and District Attorney Keane,

We respectfully urge your offices to open investigations into the activities of federal agents in New York. In incidents across the state, federal agents have repeatedly committed criminal acts for which they have no immunity under the Constitution or 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 New Yorkers 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

Since taking office in January 2025, Trump has wielded the power of the presidency against his foes, consistently targeting New York City, the state of New York, city and state officials, and the state's residents, subjecting them to baseless investigations, abusive pressure tactics, and violence by federal agents.

Shortly after taking office, Trump revoked security clearances for multiple officials, including New York Attorney General Letitia James and District Attorney

Alvin Bragg.¹ He then instituted a baseless lawsuit against New York officials for the “Green Light Law,” which limits cooperation with federal officials in certain immigration matters.² Trump also unlawfully directed the DOJ to drop an investigation into then-Mayor Eric Adams in return for his cooperation in implementing Trump’s preferred immigration policies.³ In October 2025, after months of forcing out multiple career prosecutors, Trump illegally installed one of his former personal attorneys as an interim U.S. attorney, who promptly indicted Attorney General James on frivolous charges (that have since been dismissed).⁴ On October 14, 2025, he attacked then-candidate and now-Mayor Zohran Mamdani, threatening to cut funding and send troops to New York City if he were elected.⁵

On October 16, 2025, federal agents raided a hotel shelter, arresting any “Venezuelans” with no probable cause.⁶ During the raid, federal agents also detained a minor with a valid visa, then released him.⁷ Five days later, on October 21, 2025, federal agents launched a military-style assault on vendors in New York City’s Chinatown.⁸ Without warrants, agents arrested anyone who could not prove they were a citizen.⁹ During the raid, federal agents pointed weapons at bystanders and arrested protestors.¹⁰ The DHS, attempting to justify the arrests, insinuated that “shouting obscenities” was equivalent to “rioting.”¹¹ There have been reports of racial profiling, as roving patrols of federal agents arrest Latino men apparently at

¹ Erica Green et al, *Trump to Revoke Security Clearances for Prosecutors and Biden Officials*, N.Y. Times (Feb. 9, 2025), <https://www.nytimes.com/2025/02/09/us/politics/trump-blinken-james-bragg-security-clearances.html?login=email&auth=login-email> (accessed March 20, 2026).

² Perry Stein et al, *AG Bondi, Justice Dept. sue New York officials over immigration laws*, Washington Post (Feb. 12, 2025), <https://www.washingtonpost.com/national-security/2025/02/12/pam-bondi-immigration-lawsuit-angel-mom/> (accessed March 20, 2026).

³ Madeline Halpert, *Judge permanently dismisses criminal case against NYC mayor*, BBC (April 2, 2025), <https://www.bbc.com/news/articles/c74nl3120k4o> (accessed March 20, 2026).

⁴ Carrie Johnson, *Justice Department indicts Letitia James after pressure from Trump*, NPR (Oct. 9, 2025), <https://www.npr.org/2025/10/09/nx-s1-5569792/letitia-james-indictment-trump> (accessed March 20, 2026).

⁵ Bobby Cuza, *Trump renews his attacks on Mamdani and threats against the city*, Spectrum News (Oct. 14, 2025), <https://ny1.com/nyc/all-boroughs/politics/2025/10/14/president-trump-renews-his-attacks-on-zohran-mamdani-and-his-threats-against-new-york-city> (accessed March 20, 2026).

⁶ Gwynne Hogan, *Federal Raid Outside Row Hotel Migrant Shelter Rattles Residents*, The City (Oct. 18, 2025), <https://www.thecity.nyc/2025/10/17/row-hotel-ice-raid-shelter/?ref=hellgatenyc.com> (last accessed March 20, 2026).

⁷ *Id.*

⁸ WABC, *Federal agents carry out joint ICE crackdown on Canal Street in Chinatown*, (Oct. 22, 2025), <https://abc7ny.com/post/federal-agents-conducting-enforcement-illegal-vending-canal-street-nyc/18052570/> (accessed March 20, 2026).

⁹ *Id.*

¹⁰ Cy Neff, *Protests erupt in New York City after ICE raids Chinatown over ‘counterfeit goods’*, The Guardian (Oct. 22, 2025), <https://www.theguardian.com/us-news/2025/oct/21/new-york-city-chinatown-ice-raids-protests> (accessed March 20, 2026).

¹¹ *Id.*

random.¹² On November 13, 2025, ICE, allegedly without a warrant, forced entry into a Queens home with their guns drawn, assaulting the resident in front of her children even though she was not the target of the operation.¹³ And there is no end in sight to these attacks on New York’s residents; on November 18, 2025, Tom Homan, the White House’s “Border Czar,” promised to increase ICE activity in the city.¹⁴

Until recently, most of the immigration actions in New York have occurred in federal courthouses, as immigrants—following the rules—attend hearings to gain legal status.¹⁵ Several of these incidents involved force completely out of proportion to the circumstances; federal agents violently abducted women and children who posed no threat and had nowhere to escape.¹⁶ In one incident, officials violently shoved a journalist documenting an arrest.¹⁷ DHS even admitted one of its officers engaged in excessive force—and then returned him to duty.¹⁸ After being detained, these New Yorkers are held for an average of 32 hours in a facility designed for stays of no longer than 12 hours.¹⁹ There are no private toilets, no beds, no showers, and inadequate access to medical care.²⁰

In February 2026, ICE agents impersonated police officers and claimed they were searching for a missing child in order to unlawfully access an apartment building owned by Columbia University so that they could arrest a student living there. The student was released only after her attorneys filed a lawsuit and Mayor

¹² Gwynne Hogan, *As ICE Street Raids Ramp Up, New Yorkers Stock Up On Whistles*, The City (Nov. 17, 2025), <https://www.thecity.nyc/2025/11/17/ice-whistles-immigration-nyc-chicago-dhs/> (accessed March 20, 2026).

¹³ Louis Finley, *Video shows ICE agents pointing guns, forcing entry into Queens home*, Spectrum News (Nov. 20, 2025), <https://ny1.com/nyc/queens/news/2025/11/19/video-shows-ice-agents-pointing-guns--forcing-entry-into-queens-home> (accessed March 20, 2026).

¹⁴ Jesse Zanger, *ICE stepping up operations in NYC over sanctuary city status, White House border czar Tom Homan says*, CBS (Nov. 18, 2025), <https://www.cbsnews.com/newyork/news/ice-operations-nyc-tom-homan/> (accessed March 20, 2026).

¹⁵ Paola Nagovitch & Carla Gloria Colomé, *26 Federal Plaza: Inside New York’s immigration hell*, El Pais (Nov. 14, 2025), <https://english.elpais.com/usa/2025-11-15/26-federal-plaza-inside-new-yorks-immigration-hell.html> (accessed March 20, 2026).

¹⁶ *Id.*

¹⁷ Ali Bauman & Jesse Zanger, *Video shows ICE officers shove journalists to the floor at 26 Federal Plaza in NYC, 1 hospitalized*, CBS (Sep. 30, 2025), <https://www.cbsnews.com/newyork/news/ice-officer-journalist-altercation-nyc/> (accessed March 20, 2026).

¹⁸ Camilo Montoya-Galvez, *ICE officer seen on video pushing woman to ground has returned to duty*, CBS (Sep. 2025), <https://www.cbsnews.com/news/ice-officer-pushed-woman-video-returns-to-duty/> (accessed March 20, 2026).

¹⁹ José Luis Ávila, *Up to seven days in an ICE hold room: The new normal for detained migrants in the Trump era*, El Pais (Sep. 10, 2025), <https://english.elpais.com/usa/2025-09-10/up-to-seven-days-in-an-ice-hold-room-the-new-normal-for-detained-migrants-in-the-trump-era.html> (accessed March 20, 2026).

²⁰ Arya Sundaram, *ICE has detained more than 120 kids in ‘inhumane’ hold rooms in NYC under Trump*, Gothamist (Feb. 27, 2026), <https://gothamist.com/news/ice-has-detained-more-than-120-kids-in-inhumane-hold-rooms-in-nyc-under-trump> (accessed March 20, 2026).

Mamdani intervened on her behalf.²¹ It is unlawful to impersonate a police officer in New York State. N.Y. Penal Law § 190.25.

And just days later, federal immigration agents were responsible for the death of a blind Rohingya refugee from Myanmar who could not speak English. These officials only had access to Mr. Nurul Amin Shah Alam because of the Erie County Sheriff's Office practice of sharing information with federal immigration officials, despite the many abuses and unlawful detentions that these officials have carried out against vulnerable individuals in New York and across the country. Mr. Shah Alam, legally present in this country as a refugee, had already spent a year in jail for what ultimately amounted to two misdemeanor charges. Once his family posted his bail pending sentencing, the Erie County Sheriff's Office immediately informed federal officials. The Sheriff's Office then released Mr. Shah Alam to federal agents, five days before he was scheduled to be released to his attorney and family, despite the fact that he was not eligible for deportation. No one informed his attorney, his family, or even the Erie County district attorney that Mr. Shah Alam had been taken by federal agents. Customs and Border Patrol agents—purportedly after belatedly realizing that he was not eligible for deportation—deliberately left him outside a closed coffee shop at night in the middle of winter, knowing he spoke no English, knowing he was visually impaired, knowing he was not prepared for the elements, had no phone or money, and had no way to communicate with his attorney or family. He was found dead, miles away, five days later.²²

We understand that the Attorney General's office is undertaking an investigation into Mr. Shah Alam's senseless death, and applaud your commitment to obtaining justice for Mr. Shah Alam and his family. However, we are concerned by public reporting, which suggests that this investigation is thus far limited to Erie County Sheriff's officials and that the Attorney General's office is "reviewing additional statutory mechanisms to hold federal officials accountable."²³ Those statutory mechanisms already exist: the New York Penal Code, which federal officials are bound to obey while operating within New York state.

The Supremacy Clause Does Not Preclude Prosecution

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.

²¹ Sharon Otterman, *Columbia Student Is Released From ICE After Mamdani-Trump Meeting*, N.Y. Times (Feb. 26, 2026), <https://www.nytimes.com/2026/02/26/nyregion/columbia-university-ice-student.html> (accessed March 20, 2026).

²² Ana Ley, *Border Patrol Left a Refugee at a Café. Days Later, He Was Found Dead*, N.Y. Times (Feb. 27, 2026), <https://www.nytimes.com/2026/02/27/nyregion/myanmar-refugee-buffalo-border-patrol.html> (accessed March 20, 2026).

²³ J. Dale Shoemaker, *New York AG Investigating Shah Alam's Death*, Investigative Post (March 6, 2026), <https://investigativepost.org/2026/03/06/new-york-ag-investigating-shah-alams-death/> (accessed March 20, 2026).

(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); *see also Idaho v. Horiuchi*, 253 F.3d 359, 362 (9th Cir.), *vacated as moot*, 266 F.3d 979 (9th Cir. 2001) (“When federal officers violate the Constitution, either through malice or excessive zeal, they can be held accountable for violating the state's criminal laws.”).

Under the test set forth by the Supreme Court in *Cunningham v. Neagle*, a federal officer is entitled to immunity from state criminal prosecutions if “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; *Clifton v. Cox*, 549 F.2d 722, 726, 728 (9th Cir. 1977). To satisfy the “necessary and proper” part of the test, (1) the officer must subjectively believe his acts to be reasonable; and (2) his conduct must be objectively “reasonable under the existing circumstances.” *Id.* at 728. Where any one of these qualifications are not met, federal officers may be held criminally liable 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 instigated an altercation with civilians while intoxicated were not immune to state prosecution); *Pales v. Paoli*, 5 F.2d 280, 280–82 (1st Cir. 1925) (federal agent who fired on a car after attempting to stop it without reasonable suspicion acted in a “wholly illegal and unauthorized” manner and could be prosecuted).

As discussed above, President Trump and senior officials have made it clear, in public forums, that the military-style deployment of federal agents in New York 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.

Nor are federal agents authorized to unlawfully detain, harass, or abuse civilians. Federal agents may not detain individuals, including noncitizens, without warrant or probable cause, and they may not preemptively detain people and then require proof of citizenship as the price of freedom. *Almeida-Sanchez v. United States*, 413 U.S. 266, 273–75 (1973); *see also id.* at 275 (“Among deprivations of rights, none is so effective in cowering 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)). And they may not harass or abuse protesters engaged in protected speech, which includes recording public officials in public spaces and even verballing criticizing the officers. *See Reyes v. City of New York*, No. 23-CV-6369 (JGLC), 2024 WL 4354877, at *5 (S.D.N.Y. 2024) (appellate courts “have uniformly

recognized” that “the First Amendment protects the right to record police in public performing their official duties”); *Houston. v. Hill*, 482 U.S. 451, 461 (1987).

Nor can the perpetrators evade culpability by claiming that they were following orders when the acts otherwise fail the *Neagle* test. *Cf. Pales v. Paoli*, 5 F.2d 280, 280–82 (1st Cir. 1925) (an agent who followed orders to carry out unlawful searches did not have immunity for crimes committed in the course of those searches); *Drury*, 200 U.S. at 8 (fatally shooting a surrendered suspect on a superiors’ orders “could not reasonably be claimed [to have been done] in the performance of a duty imposed by the Federal law.”). Instead, it suggests that senior officials who give these orders or orchestrate unlawful raids should themselves be subject to investigation.

The available evidence does not support a claim of immunity, but even if there were a dispute of fact over immunity, potential immunity would 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).

Investigating Federal Abuses

We applaud Attorney General James for sending her staff to observe federal actions.²⁴ We urge all New York prosecutors, law enforcement, and officers to make what should be an uncontroversial statement: when New York residents are illegally assaulted and kidnapped, the perpetrators of those crimes will be prosecuted.

We recognize that the federal government has adopted a policy of noncooperation with local and state authorities in investigating incidents involving its federal officers.²⁵ Therefore, we urge you to take steps to ensure that neither the administration’s targeting of vulnerable communities nor its attempts to cover up the abuses of its agents disrupt the enforcement of the rule of law in New York.

First, we urge you to ensure that residents have a safe way to report violations of state criminal law by federal agents. We applaud Attorney General James for creating a dedicated portal to report abuses,²⁶ and encourage the other recipients of this letter to make sure their residents are aware of this resource.

²⁴ Luis Ferré-Sadurní, *New York Attorney General to Send Observers to Document ICE Raids*, N.Y. Times (Feb. 3, 2026), <https://www.nytimes.com/2026/02/03/nyregion/letitia-james-ice-observers-new-york.html> (accessed March 20, 2026).

²⁵ Ernesto Londoño, *Once Again, Federal Officials Exclude Minnesota From Investigation of a Fatal Shooting*, N.Y. Times (Jan. 25, 2026), <https://www.nytimes.com/2026/01/25/us/federal-exclude-minnesota-shooting-investigations.html> (accessed March 20, 2026).

²⁶ 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> (accessed March 20, 2026).

Victims and witnesses must be able to report instances of abuse without fear of retribution or retaliation from the Trump administration.

Second, we encourage the Attorney General and the various District Attorneys to release guidance to New York law enforcement in line with that released by Ramsey County Attorney John Choi in Minnesota²⁷ and Mayor Mike Johnston in Denver, Colorado.²⁸ Finally, if you have a basis to request or subpoena information from a federal official or agency about incidents in New York, we urge you to do so.²⁹

By taking these steps and by committing to investigating potential state crimes, you will be joining other proactive investigatory and prosecutorial agencies in the country. Investigations of federal agents are underway in Illinois, Colorado, Minnesota, and Oregon.³⁰ Prosecutors in Arizona, California, Illinois, Pennsylvania, Texas, and Virginia have made public statements that federal officers do not have absolute immunity from state criminal prosecution.³¹ Officials in Denver, Colorado

²⁷ Mohamed Ibrahim, *Ramsey County prosecutor opens investigations into federal officers, calls for public reports*, Sahan Journal (Jan. 27, 2026), <https://sahanjournal.com/public-safety/ramsey-county-attorney-john-choi-investigates-federal-officers/> (accessed March 20, 2026).

²⁸ *Report Misconduct by Federal Agents to the California Attorney General*, California Department of Justice, <https://oag.ca.gov/ReportMisconduct>, (accessed March 20, 2026).

²⁹ Such requests can be enforced in federal court, if not in state court. For example, Minnesota officials successfully moved for a TRO to preserve evidence of Alex Pretti's murder. Caroline Cummings, *Federal judge orders feds to preserve evidence in Border Patrol shooting of Alex Pretti*, CBS (Jan. 26, 2026), <https://www.cbsnews.com/minnesota/news/preserve-evidence-alex-pretti-shooting-minneapolis-federal-judge-ruling/> (accessed March 20, 2026).

³⁰ Ernesto Londoño, *Once Again, Federal Officials Exclude Minnesota From Investigation of a Fatal Shooting*, N.Y. Times (Jan. 25, 2026), <https://www.nytimes.com/2026/01/25/us/federal-exclude-minnesota-shooting-investigations.html> (accessed March 20, 2026); Jack Morphet & Kris Maher, *Police Who Once Backed ICE's Mission Are Losing Faith in Its Tactics*, Wall Street Journal (Jan. 24, 2026), <https://www.wsj.com/us-news/police-who-once-backed-ices-mission-are-losing-faith-in-its-tactics-e123c348> (accessed March 20, 2026); Press Release, Hennepin County Attorney's Office (Jan. 9, 2026), <https://www.hennepinattorney.org/news/news/2026/January/HCAO-Evidence-Submission-Portal> (accessed March 20, 2026); 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> (accessed March 20, 2026); 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> (accessed March 20, 2026); 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/> (accessed March 20, 2026).

³¹ Shaila Dewan, *Local Prosecutors Join Forces to Bring Charges Against Federal Agents*, N.Y. Times (Jan. 27, 2026), <https://www.nytimes.com/2026/01/27/us/prosecutors-charges-against-federal-agents.html> (accessed March 20, 2026); *Law Enforcement Guidance Statement*, Rob Bonta, Attorney General (Jan. 27, 2026), <https://oag.ca.gov/system/files/media/2026-dle-07.pdf> (accessed March 20, 2026); Public Statement, Lake County State's Attorney's Office, (Jan. 25, 2026), <https://lcsao.org/DocumentCenter/View/372/Statement-Minneapolis?bidId=> (accessed March 20, 2026); Heather Knight & Kellen Browning, *Pelosi Says Police May Arrest Federal Agents Who Violate*

have ordered local law enforcement officers to intervene if federal agents use excessive force against residents.³²

State governments have a critically important role in this nation's system of laws that must prevent, not enable, the rise of a lawless regime. New York 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, particularly given the lengths to which the Trump Administration has gone to evade oversight and hide the identities and criminal behavior of individual agents.³³ New York has the power and duty to enforce its criminal laws, even against federal actors and even against powerful defendants.

As New York previously 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.

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> (accessed March 20, 2026).

³² Lindsey Toomer, *Denver policies seek to protect city residents from federal immigration enforcement*, Colorado Newsline (Feb. 28, 2026), <https://coloradonewsline.com/briefs/denver-protect-residents-immigration-enforcement/> (accessed March 20, 2026).

³³ J. David McSwane & Hannah Allam, *Unfettered and Unaccountable: How Trump is Building a Violent, Shadowy Federal Police Force*, ProPublica (Oct. 18, 2025), <https://www.propublica.org/article/trump-dhs-ice-secret-police-civil-rights-unaccountable> (last accessed March 20, 2026); The Associated Press, *Trump Administration Sues California Over Law Banning Masked Federal Agents*, NBC News (Nov. 18, 2025), <https://www.nbcnews.com/news/us-news/trump-administration-sues-california-law-banning-masked-federal-agents-rcna244679> (last accessed March 20, 2026).

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. Furthermore, we remain seriously concerned that federal officers will continue to violate your state's criminal laws in their raids and assaults on immigrant communities, protesters, and other residents in your city and state. We encourage you to respond to, investigate, and as appropriate prosecute any crimes committed by federal agents and officials.

Sincerely,

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