

March 16, 2026

The Honorable Daniel Driscoll  
Clark County Prosecuting Attorney  
50 E. Columbia Street, Suite 449  
Springfield, OH 45502

Dear County Prosecutor Driscoll,

Given that the Trump administration is attempting to revoke the Temporary Protected Status (TPS) of Haitian refugees in the United States, we are deeply concerned that the Haitian residents of Springfield, Ohio are at risk for persecution by ICE officials. While these residents' TPS protections (and related employment authorizations) remain in place due to a district court ruling in *Miot v. Trump*, No. 25-cv-2471, 2026 WL 266413 (D.D.C. Feb. 2, 2026), the administration has appealed this ruling. If TPS lapses, we expect the Trump administration to order immigration raids in and around the area of Springfield, Ohio. In other states that have experienced ICE surges, 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 who had no criminal records, and whom the federal agents had no reason to believe were undocumented. These agents also have systematically used excessive force against peaceful protestors, including lethal force. They have committed acts of brutality against immigrants and citizens alike, and in so doing have undermined the security, safety, and rights of everyone in the community.

For these reasons, we strongly urge your offices to remain ready to protect your residence from unlawful violence, abuse, and harassment, and to investigate and, where appropriate, prosecute crimes committed by federal agents in your communities.

### **Background**

Currently, between ten and fifteen thousand Haitians protected by TPS are legal residents of Springfield, Ohio and the surrounding areas.<sup>1</sup> As Governor

---

<sup>1</sup> Josh Sweigart, *Judge orders DHS to declare whether it's planning ICE action in Springfield if Haitian TPS ends*, Springfield News-Sun (Feb. 9, 2026), <https://www.springfieldnewssun.com/local/judge-orders-dhs-to-declare-whether-its-planning-ice-action-in-springfield-if-haitian-tps-ends/5QVQZDTUSNFHFEDPOLRFVVRMBIQ/> (accessed Feb. 9, 2026).

DeWine has publicly stated, Springfield’s Haitian residents are helping to revitalize the area and are valued members of the community.<sup>2</sup> As you yourself noted, the Haitian community in Springfield almost never commits violent crimes.<sup>3</sup> Indeed, in order to be eligible for TPS, a person cannot have been convicted of a felony or two or more misdemeanors, must be otherwise admissible, and must apply for TPS within a specific time frame. *Miot v. Trump*, \_\_ F. Supp.3d \_\_, 2026 WL 266413, at \*3. (D.D.C. 2026). All of the Haitians with TPS in Clark County meet these standards.

The Trump administration has been actively trying to strip these important, law-abiding members of the Springfield community of their TPS protections, arguing that Haiti—a country without a functioning government or head of state—is safe for them to return to. *Miot*, 2026 WL 266413, at \*25. A federal judge has rejected those claims, recognizing that former Secretary Noem failed to actually consider any agency’s analysis of the state of Haiti, *id.* at \*20–\*27, and that, instead, the administration’s decision is primarily fueled by racial animus. *Id.* at \*4, \*31–\*34 (referencing remarks by Trump that Haiti is a “shithole,” that Haitians “all have AIDS,” his lies that Springfield’s residents eat “dogs and cats,” and Noem’s public comments that “WE DON’T WANT THEM. NOT ONE.”). The administration has appealed this decision. If it is overturned—even if it is merely stayed—ten to fifteen thousand legal residents of Ohio will abruptly lose their legal status and right to work. The administration has made it clear that it will begin enforcement proceedings against Haitians once TPS had been revoked.<sup>4</sup>

Across the country, during ICE surges, federal immigration officers have carried out illegal “sweeps,” in which they detain residents—including citizens, green card holders, and other lawfully present immigrants—on the basis of their race or perceived national origin,<sup>5</sup> abuse and harass residents and protesters,

---

<sup>2</sup> Max Rego, *Ohio’s GOP governor: Ending TPS for Haitians would be ‘blow to the economy’*, The Hill Feb. 5, 2026), <https://thehill.com/homenews/state-watch/5725642-ohio-gov-defends-haitian-tps/> (accessed Feb. 11, 2026).

<sup>3</sup> Omar Jiminez et al, *Springfield Haitians weigh their future as Trump threatens deportations*, ABC30 (Oct. 13, 2024), <https://abc30.com/post/haitian-migrants-springfield-ohio-weigh-future-donald-trump-threatens-deportations/15424464/> (accessed Feb. 11, 2026).

<sup>4</sup> Cornelius Frolik, *TPS Haiti: DHS claims no specific plans to mobilize ICE in Springfield - but says ICE is there*, Springfield News-Sun (Feb. 10, 2026), <https://www.springfieldnewssun.com/local/tps-haiti-dhs-claims-no-specific-plans-to-mobilize-ice-in-springfield-but-ice-is-there/SM5RUKR2NFFPDHOT7UHSGCUZLE/> (last accessed Feb. 11, 2026).

<sup>5</sup> Nina Moini & Ngoc Bui, *Immigration Lawyer: No ‘rhyme or reason’ to who ICE agents are arresting in Minnesota*, MPR News (Dec. 9, 2025), <https://www.mprnews.org/episode/2025/12/09/immigration-lawyer-no-rhyme-or-reason-to-who-ice-agents-are-arresting-in-minnesota> (accessed Feb. 11, 2026); Tesfaye Negussie & Sabina Ghebremedhin, *Somalis in Minnesota say ICE agents already targeting their community*, ABC (Dec. 8, 2025), <https://abcnews.go.com/US/somalis-minnesota-ice-agents-targeting-community/story?id=128080449> (accessed Feb. 11, 2026); Mike Manzoni, *U.S. citizen arrested during immigration crackdown, family says*, FOX9 (Dec. 5, 2025), <https://www.fox9.com/news/u-s-citizen-arrested-during-immigration-crackdown-family-says> (accessed Feb. 11, 2026); Chip Mitchell et al., *Feds march into Downtown Chicago; top border agent says people*

subject civilians to illegal and excessive force, damage property, and commit other crimes against the community,<sup>6</sup> with no federal oversight.

And when local citizens document or protest these operations—as they have in cities throughout the country, in an exercise of their First Amendment rights and in an effort to protect their neighbors—there is a high likelihood that federal agents will respond with illegal violence, harassment, and abuse. In many incidents around the country, federal immigration officers have detained,<sup>7</sup> threatened,<sup>8</sup> and in the cases of Renee Good and Alex Pretti, murdered citizens.<sup>9</sup> Notwithstanding the

---

*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> (accessed Feb. 11, 2026).

<sup>6</sup> Nicole Foy & McKenzie Funk, *We Found More Than 40 Cases of Immigration Agents Using Banned Chokeholds and Other Moves That Can Cut Off Breathing*, ProPublica (Jan. 13, 2026),

<https://www.propublica.org/article/videos-ice-dhs-immigration-agents-using-chokeholds-citizens> (accessed Feb. 9, 2026); Rose Lundy & Josh Keefe, *Masked agents detain civil engineer in Portland, leave his car running in the street with a smashed window*, Portland Press Herald (Jan. 23, 2026), <https://www.pressherald.com/2026/01/23/masked-agents-detain-civil-engineer-in-portland-leave-his-car-running-in-the-street-with-a-smashed-window/> (accessed Feb. 11, 2026); Dylan Tusinski & Salomé Cloteaux, *ICE agents shatter window, leave 1-month-old baby, mother in car after Portland arrest*, Sun Journal (Jan. 28, 2026), <https://www.sunjournal.com/2026/01/28/ice-agents-shatter-window-leave-1-month-old-baby-mother-in-car-after-portland-arrest/> (accessed Feb. 11, 2026);

*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> (accessed Feb. 11, 2026); 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> (accessed Feb. 11, 2026); 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> (accessed Feb. 11, 2026); Ruben Vives, *Border Patrol arrested her selling tamales. Then she suffered a heart attack. 'I told them: I can't breathe'*, L.A. Times (July 14, 2025), <https://www.latimes.com/california/story/2025-07-14/in-pacoima-an-immigration-sweep-and-its-aftermath> (accessed Feb. 11, 2026).

<sup>7</sup> Shane Dixon Kavanaugh, *Blind protestor dragged, detained by feds says agents picked 'the weakest person they could find'*, The Oregonian (Oct. 24, 2025),

<https://www.oregonlive.com/politics/2025/10/blind-protester-dragged-detained-by-feds-says-agents-picked-the-weakest-person-they-could-find.html> (accessed Feb. 11, 2026); Zane Sparling, *Federal agents barrel into band at Portland ICE protest, arrest clarinetist, accuse her of assault*, The Oregonian (Oct. 15, 2025), <https://www.oregonlive.com/portland/2025/10/federal-agents-barrel-into-band-at-portland-ice-protest-arrest-clarinetist-accuse-her-of-assault.html> (accessed Feb. 11, 2026); Ariel Iacobazzi, *Clarinetist playing 'Ghostbusters' arrested at ICE facility*, KOIN (Oct. 14, 2025), <https://www.koin.com/news/portland/clarinetist-playing-ghostbusters-arrested-at-ice-facility/> (accessed Feb. 11, 2026).

<sup>8</sup> Salomé Cloteaux & Dana Richie, *ICE watchers in Maine say they were threatened by federal agents*, Portland Press Herald, (Jan. 23, 2026), <https://www.pressherald.com/2026/01/23/ice-watchers-in-maine-say-they-were-threatened-by-federal-agents/> (accessed Feb. 11, 2026).

<sup>9</sup> Talya Minsberg et al, *Alex Pretti's Friends and Family Denounce 'Sickening Lies' About His Life*, N.Y. Times (Jan. 25, 2026), <https://www.nytimes.com/2026/01/25/us/alex-pretti-minneapolis-shooting.html> (accessed Jan. 30, 2026); Amanda Musa, *Mother of 3 who loved to sing and write poetry shot and killed by ICE in Minneapolis*, CNN (Jan. 9, 2026),

Trump administration’s internal guidance to federal officers,<sup>10</sup> appellate courts “have uniformly recognized” that “the First Amendment protects the right to record police in public performing their official duties.” *Reyes v. City of New York*, No. 23-CV-6369 (JGLC), 2024 WL 4354877, at \*5 (S.D.N.Y. 2024) (collecting cases). Furthermore, “the First Amendment protects a significant amount of verbal criticism and challenge directed at police officers.” *Houston. v. Hill*, 482 U.S. 451, 461 (1987). “The freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state.” *Id.* at 462–63.

### **Investigating Federal Abuses**

The federal government has adopted a policy of noncooperation with local and state authorities in investigating incidents involving its federal officers.<sup>11</sup> Therefore, we urge you to take steps to ensure that neither the administration’s targeting of on vulnerable communities nor its attempts to cover up the abuses of its agents disrupt the enforcement of the rule of law in Ohio.

First, we urge you to provide residents with a safe way to report violations of state criminal law by federal agents. Victims and witnesses to crimes committed by federal agents must be able to report these instances without fear of retribution or retaliation from the Trump administration.

Second, we encourage you to release guidance to Clark County law enforcement in line with that recently released by Ramsey County Attorney John Choi in Minnesota.<sup>12</sup> This will ensure that local law enforcement understand their duties and authority to protect residents, and to limit the ability of the federal government to cover up crimes of federal agents. We are not asking for local law enforcement to impede federal investigations; we are simply asking for you to investigate crimes committed by federal law enforcement that are not covered by the Supremacy Clause.

---

<https://www.cnn.com/2026/01/08/us/renée-nicole-good-minneapolis-ice-shooting-hnk> (accessed Jan. 30, 2026).

<sup>10</sup> 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).

<sup>11</sup> 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 Jan. 29, 2026).

<sup>12</sup> 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 Jan. 29, 2026).

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.<sup>13</sup> 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.<sup>14</sup> Officials in Denver, Colorado have ordered local law enforcement officers to intervene if federal agents use excessive force against residents.<sup>15</sup> Officials in California,<sup>16</sup> Colorado,<sup>17</sup> Illinois,<sup>18</sup>

---

<sup>13</sup> 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 Jan. 29, 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 Jan. 26, 2026); Press Release, Hennepin County Attorney's Office (Jan. 9, 2026), <https://www.hennepinattorney.org/news/news/2026/January/HCAO-Evidence-Submission-Portal> (last accessed Jan. 10, 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 Dec. 10, 2025); Alex Tablet, *Minneapolis police chief warns officers: Stop unlawful force by ICE or lose your job*, MS Now (Dec. 5, 2025), <https://www.ms.now/news/minneapolis-police-chief-unlawful-force-ice-jobs> (accessed Dec. 17, 2025); 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 Nov. 7, 2025); 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 Oct. 9, 2025).

<sup>14</sup> 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 Jan. 30, 2026); *Law Enforcement Guidance Statement*, Rob Bonta, Attorney General (Jan. 27, 2026), <https://oag.ca.gov/system/files/media/2026-dle-07.pdf> (accessed Feb. 5, 2026); Public Statement, Lake County State's Attorney's Office, (Jan. 25, 2026), <https://lcsao.org/DocumentCenter/View/372/Statement-Minneapolis?bidId=> (accessed Jan. 29, 2026); 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> (accessed Nov. 14, 2025).

<sup>15</sup> 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 9, 2026).

<sup>16</sup> *Report Misconduct by Federal Agents to the California Attorney General*, California Department of Justice, <https://oag.ca.gov/ReportMisconduct>, (accessed Feb. 5, 2026).

<sup>17</sup> *Misconduct by Federal Agents*, Colorado Attorney General, <https://complaints.coag.gov/s/?varCFT=7> (accessed Feb. 5, 2026).

<sup>18</sup> Illinois Accountability Commission, <https://ilac.illinois.gov/>.

New York,<sup>19</sup> Massachusetts,<sup>20</sup> Minnesota,<sup>21</sup> and Oregon<sup>22</sup> have created tools for residents to report abuses by federal officials.<sup>23</sup>

### **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. (4 Wheat.) 316, 436 (1819)). However, it 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); 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

---

<sup>19</sup> 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 Feb. 2, 2026).

<sup>20</sup> *Governor Healey and Attorney General Campbell Launch State Portal to Report ICE Misconduct*, Office of the Governor (March 13, 2026), <https://www.mass.gov/news/governor-healey-and-attorney-general-campbell-launch-state-portal-to-report-ice-misconduct> (accessed March 13, 2026).

<sup>21</sup> *Hennepin County (MN) Attorney’s Office Evidence Submission Portal*, Hennepin County Attorney’s Office, <https://hennepinprosecutor.evidence.com/axon/community-request/public/communityevidencerequest1-7-26> (accessed Feb. 5, 2026).

<sup>22</sup> *Report Concerns Related to Federal Actions*, Oregon Department of Justice, <https://www.doj.state.or.us/oregon-department-of-justice/federal-oversight/report-concerns-related-to-federal-actions/> (accessed Feb. 2, 2026).

<sup>23</sup> 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 Nov. 4, 2025).

without reasonable suspicion acted in a “wholly illegal and unauthorized” manner and could be prosecuted).

The military-style deployment of federal agents against targeted immigrant communities and protesters is an act of political retribution, racism, and stifling of dissent. No lawful authority empowers the executive to punish political adversaries with assault and detainments—let alone to do so based on a disfavored national origin (or perceived national origin). *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”); *Bolling v. Sharpe*, 347 U.S. 497, 499 (1954) (“the constitution of the United States . . . forbids . . . discrimination by the general government, or by the states, against any citizen because of his race.”) (citation omitted). 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 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)). 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 Glik v. Cunniffe*, 655 F.3d 78, 83 (1st Cir. 2011); *Houston. v. Hill*, 482 U.S. 451, 461 (1987).

Even if agents or their superiors subjectively believe that their actions are authorized,<sup>24</sup> their belief must be objectively “reasonable under the existing circumstances.” *Clifton*, 549 F.2d at 278. For example, a reasonable officer would know that the use of justifiable use of force depends on “the severity of the crime at issue, whether the suspect pose[d] an immediate threat to the safety of the officers or others, and whether [the suspect was] actively resisting arrest or attempting to evade arrest by flight.” *Gray v. Cummings*, 917 F.3d 1, 8 (1st Cir. 2019).

---

<sup>24</sup> Though public remarks from President Trump and officials like Gregory Bovino on previous ICE surges present compelling evidence that federal agents know their assignments and duties now are to enact political retribution, not to undertake legitimate law enforcement activities. *Cf.* YouTube, *Trump on L.A. Protesters: ‘They Spit, We Hit’*, Wall Street Journal (June 8, 2025), <https://www.youtube.com/watch?v=-Wh4c2iUEIw> (last accessed Dec. 8, 2025); Connor Sheets et al, *Border Patrol agents stage show of force at Newsom’s ‘big beautiful press conference’*, L.A. Times (Aug. 14, 2025), <https://www.latimes.com/california/story/2025-08-14/border-patrol-conducts-immigration-operation-outside-gov-newsom-event> (last accessed Dec. 8, 2025) (remarking that “[w]e’re here making Los Angeles a safer place since we won’t have politicians that’ll do that.”).

Perpetrators cannot 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.”). But if senior officials order agents to carry out plainly unlawful violations of state criminal law or orchestrate such crimes in the course of unlawful raids, they themselves should be subject to investigation.

Finally, immunity should not be presumed before the outset of an investigation. 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).

State governments have a critically important role in this nation’s system of laws that must prevent, not enable, lawlessness by agents and officials within the federal government.<sup>25</sup> 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.

---

<sup>25</sup> 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 Dec. 8, 2025); 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 Dec. 8, 2025).

## **Conclusion**

We are seriously concerned that federal officers will violate your state's criminal laws if and when they carry out raids in your communities, whether or not these raids are part of a coordinated "surge." Clark County residents are reliant on your office to protect the rule of law in their communities. We urge you to provide your communities with safe and secure means of reporting crimes committed by federal agents; and to be prepared to investigate and, where appropriate, prosecute crimes committed by federal agents and officials, consistent with the power of your office.

Sincerely,

Ben Horton, Counsel  
Courtney Hostetler, Legal Director  
John Bonifaz, President  
Ben Clements, Chairman and Senior Legal Advisor  
FREE SPEECH FOR PEOPLE  
28 S. Main St, Suite 200  
Sharon, Massachusetts 02067  
(617) 244-0234 (office)  
chostetler@freespeechforpeople.org