

Congress of the United States

Washington, DC 20515

May 7, 2025

The Honorable Kash Patel
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, D.C. 20535-0001

The Honorable Todd M. Lyons
Acting Director
Immigration and Customs Enforcement
500 12th St SW
Washington, DC 20024

Dear Director Patel and Acting Director Lyons,

We write to express profound concern over recent actions by U.S. Immigration and Customs Enforcement (ICE) that threaten the independence of courthouses, undermine constitutional rights, and jeopardize public safety across the nation. These actions also appear to contradict your Administration’s own guidelines, including ICE’s 2025 guidance, which instructs agents to avoid “unnecessarily alarming the public or disrupting court operations” and to conduct enforcement “discreetly.”¹

These concerns are compounded by the alarming escalation of federal interference in state judicial proceedings, exemplified by the recent arrest of a sitting state judge in Milwaukee. We are deeply concerned with the charges filed against Judge Dugan and we urge you to immediately provide Congress, state and local judicial officials, and the public with a detailed explanation of the legal basis for Judge Dugan’s arrest which has negative implications for judicial independence as well as for ensuring due process rights of our constituents.

Courthouses are foundational to safeguarding constitutional rights, including the First Amendment right to petition, the Due Process Clause, and the Sixth Amendment right to a fair trial. These protections extend to all individuals, regardless of immigration status (*Yamataya v. Fisher*, [1903]). ICE’s presence in courthouses chills access to justice, deterring noncitizen victims, witnesses, and defendants from participating in proceedings.² Domestic violence survivors, in particular, are less likely to seek protection orders if they fear deportation. A 2018 ACLU study underscores this crisis, finding that immigration enforcement at courthouses has “frozen out justice” for vulnerable communities.³

The recent arrest of Milwaukee County Judge Hannah Dugan by FBI agents—reportedly for “obstructing immigration enforcement”—marks a dangerous escalation in federal interference with state judiciary functions. This action sends a chilling message to state judges nationwide – that their primary responsibilities and sworn oaths are secondary to federal immigration enforcement – comply or face retaliation. Such tactics erode public trust in the judiciary’s independence and threaten the separation of powers enshrined in our Constitution.

ICE agents also engaged in disruptive conduct at the Wake County Justice Center, where a plainclothes agent confronted attorneys discussing an immigration case and ordered them to relocate their conversation. Again, this incident directly contravenes ICE’s 2025 guidance, which instructs agents to avoid “unnecessarily alarming the public or disrupting court operations” and to conduct enforcement “discreetly.”⁴ The guidance further emphasizes that enforcement in courthouses—particularly in areas dedicated to non-criminal proceedings—

¹ <https://supreme.justia.com/cases/federal/us/189/86/>

² https://www.ice.gov/doclib/foia/policy/11072.3_CivImmEnfActionsCourthouses_01.21.2025.pdf

³ <https://www.aclu.org/freezing-out-justice>

⁴ https://www.ice.gov/doclib/foia/policy/11072.3_CivImmEnfActionsCourthouses_01.21.2025.pdf

should occur only when “operationally necessary.”⁵ There is no justification for such antagonistic behavior in a space central to the administration of justice.

To preserve the integrity of courthouses and ensure equal access to justice, we urge DHS and ICE to:

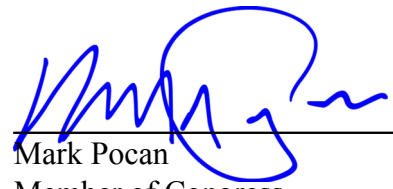
1. Adhere to Existing Guidance: Strictly enforce ICE’s policy limiting courthouse enforcement to exceptional circumstances and prohibiting disruptive actions. We also urge ICE to take steps to reinstate protections against arbitrary, aggressive, and unnecessary actions at other locations such as healthcare facilities and domestic violence shelters.
2. Respect Judicial Independence: Cease efforts to intimidate or retaliate against state judges and local officials who uphold constitutional rights.
3. Implement Courthouse Protections: Adopt policies requiring ICE agents to (a) identify themselves to court security upon entry, (b) avoid non-public court areas, and (c) refrain from disrupting court operations.
4. Provide more information and a timeline for the incident at the Milwaukee courthouse involving a sitting judge and outline steps, like reinstating guidance that outlined the “limited circumstances in which civil immigration enforcement actions may be carried out in or near a courthouse,” that you are taking to ensure that a similar incident does not occur again in our nation.⁶

The role of federal agencies is to enhance public safety, not to instill fear in those seeking justice or to undermine the autonomy of state courts. We request a written response within 30 days outlining steps DHS and ICE will take to address these concerns.

Sincerely,



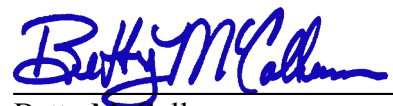
Gwen S. Moore
Member of Congress



Mark Pocan
Member of Congress




Pramila Jayapal
Member of Congress



Betty McCollum
Member of Congress

⁵ https://www.ice.gov/doclib/foia/policy/11072.3_CivImmEnfActionsCourthouses_01.21.2025.pdf

⁶ <https://www.dhs.gov/archive/news/2021/04/27/dhs-announces-new-guidance-limit-ice-and-cbp-civil-enforcement-actions-or-near>

A handwritten signature in blue ink, appearing to read 'Ilhan Omar', is positioned above a horizontal line.

Ilhan Omar
Member of Congress