

January 21, 2026

Dear Members of Congress:

The NAACP Legal Defense and Educational Fund, Inc. (LDF)<sup>1</sup> urges you to exercise your power in ongoing appropriations processes to prevent further abuses by the Department of Homeland Security (DHS) in our communities. In recent weeks, DHS agents have escalated their abusive and unlawful tactics while targeting the Somali community in Minneapolis, Minnesota, killing an observer, Renee Good, as she was driving away from DHS officers without posing any threat to them.<sup>2</sup> In a deflection of their own culpability, federal officials characterized her as a domestic terrorist, while simultaneously deploying a terrorism framework to target those who promote racial justice and immigrant rights.<sup>3</sup> The Department of Justice is using federal resources to

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<sup>1</sup> Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in the areas of education, economic justice, political participation, and criminal justice. It has been a separate organization from the NAACP since 1957. LDF's work to address police violence and misconduct dates back to its inception. See, e.g., *Shepherd v. Florida*, 341 U.S. 50 (1951) (reversing the wrongful interracial rape convictions of Black men who were brutally beaten by sheriffs' deputies in an attempt to force confessions). Today, LDF's Justice in Public Safety Project uses litigation, policy advocacy, research, community organizing, and strategic communications to transform public safety systems, advance police accountability, and prevent and remedy the impact of racial bias in public safety.

<sup>2</sup> Robert Mackey, *Justice department 'not investigating' Renee Good killing in contrast to 2020 inquiry on George Floyd death*, *The Guardian* (Jan. 18, 2026, 6:08 PM), <https://www.theguardian.com/us-news/2026/jan/18/justice-department-ice-renee-good-george-floyd-minneapolis>.

<sup>3</sup> Press Release, LDF, *LDF Condemns Federal Law Enforcement Killing in Minneapolis* (Jan. 7, 2026), <https://www.naacpldf.org/press-release/ldf-condemns-federal-law-enforcement-killing-in-minneapolis/>; Memorandum from President Donald J. Trump to Secretary of State et al. (Sept. 25, 2025), <https://www.whitehouse.gov/presidential-actions/2025/09/countering-domestic-terrorism-and-organized-political-violence/> (National Security Presidential Memorandum-7, or NSPM-7, directs counterterrorism and law enforcement scrutiny based on views about racial justice and immigrant rights, among other viewpoints that may challenge prevailing government positions). For analysis of the impact and harms, see Hina Shamsi, *How NSPM-7 Seeks to Use "Domestic Terrorism" to Target Nonprofits and Activists*, *ACLU* (Oct. 15, 2025), <https://www.aclu.org/news/national-security/how-nspm-7-seeks-to-use-domestic-terrorism-to-target-nonprofits-and-activists>; Nicholas Casmier Anway et al., *DOJ Issues Sweeping New Domestic Terrorism Directive: What the Attorney General's December 4 Memorandum Means for You*, *Arnold & Porter Kaye Scholer LLP* (Dec. 8, 2025), <https://www.arnoldporter.com/en/perspectives/blogs/enforcement-edge/2025/12/doj-issues-sweeping-new-domestic-terrorism-directive>.

intimidate local and state governmental leaders by opening a criminal investigation into the elected officials who have publicly and vehemently opposed the federal operation.<sup>4</sup>

Across the country, DHS agents are targeting Black and Brown immigrants and those who speak up for their rights. Federal officers openly admit to committing racial profiling,<sup>5</sup> have fired tear gas and rubber bullets on peaceful protestors and journalists,<sup>6</sup> and detained at least 170 American citizens.<sup>7</sup> In the last year, at least 32 people died in immigration custody.<sup>8</sup>

Last year, Congress gave DHS \$170 billion for immigration operations and infrastructure—on top of its annual appropriation.<sup>9</sup> That funding alone exceeds more than the combined annual expenditures of state and local police in all fifty states and the District of Columbia.<sup>10</sup> The receipt of such a vast sum of American tax dollars must come with accountability measures to ensure that, at a minimum, the administration acts in full compliance of federal law and ceases violating residents' statutory and constitutional rights.

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<sup>4</sup> WCCO Staff, *DOJ subpoenas Walz, Frey, Her and others in probe alleging immigration obstruction*, CBS News (Jan. 20, 2026, 10:24 PM), <https://www.cbsnews.com/minnesota/live-updates/minnesota-ice-shooting-doj-lawsuit-protests/>

<sup>5</sup> Chip Mitchell et al., *Feds march into downtown Chicago; top border agent says people are arrested based on 'how they look'*, Chicago Sun-Times (Sept. 29, 2025, 8:31 AM), <https://www.nprillinois.org/chicago-il/2025-09-29/feds-march-into-downtown-chicago-top-border-agent-says-people-are-arrested-based-on-how-they-look> (a senior U.S. Border Patrol official stated the agency was arresting people based on “how they look”).

<sup>6</sup> Spencer Reynolds, *Trump's Troubling Deployment of DHS Officers*, TIME (Aug. 8, 2025 6:30 AM), <https://time.com/7307963/trumps-deployment-dhs-officers/> (review of last summer's events in Los Angeles).

<sup>7</sup> Nicole Foy, *We Found That More Than 170 U.S. Citizens Have Been Held by Immigration Agents. They've Been Kicked, Dragged and Detained for Days.*, ProPublica (Oct. 16, 2025, 12:00 PM), <https://www.propublica.org/article/immigration-dhs-american-citizens-arrested-detained-against-will>.

<sup>8</sup> Maanvi Singh, Murphy Marcos & Charlotte Simmonds, *2025 was ICE's deadliest year in two decades. Here are the 32 people who died in custody*, The Guardian (Jan. 4, 2026 11:27 AM), <https://www.theguardian.com/us-news/ng-interactive/2026/jan/04/ice-2025-deaths-timeline>.

<sup>9</sup> Fact Sheet: *What's in the Big Beautiful Bill? Immigration & Border Security Unpacked*, Am. Immigr. Council (July 14, 2025), <https://www.americanimmigrationcouncil.org/fact-sheet/big-beautiful-bill-immigration-border-security/>.

<sup>10</sup> Margy O'Herron, *Big Budget Act Creates a "Deportation-Industrial Complex,"* Brennan Ctr. For Just., NYU (Aug. 13, 2025), <https://www.brennancenter.org/our-work/analysis-opinion/big-budget-act-creates-deportation-industrial-complex>.

Accordingly, LDF urges you to ensure any appropriations bill you support *prohibits* the following harmful practices:

- **Profiling based on protected traits like race, ethnicity, religion, or nationality.** Reports demonstrate DHS officers are openly engaged in racial profiling when stopping residents in Minneapolis and other cities across the country.<sup>11</sup> Discriminatory profiling based on race and other protected characteristics does not make people safe. Rather, such profiling relies on false, pernicious stereotypes. Congress should ensure that DHS instructs its agents to comply with the U.S. Constitution and federal statutes that expressly prohibit profiling based on race or other traits.
- **Aggressive deployment of militarized DHS agents in our streets.** DHS immigration agents boldly claim the authority to conduct immigration raids anywhere at any time. This has resulted in innumerable abuses across the country. And unchecked powers at the DHS Federal Protective Service facilitate harm to demonstrators and journalists engaging in constitutionally-protected activity.<sup>12</sup> In essence, DHS's abusive and overly aggressive operations have turned agents of U.S. Immigration and Customs Enforcement (ICE) and the U.S. Border Patrol into a federal occupying force in our own country.<sup>13</sup> Congress should impose clear and enforceable restrictions on these abusive authorities.
- **Domestic intelligence activities to facilitate unlawful targeting of immigrants and protesters.** DHS officers are using intelligence powers at an alarming rate at units like ICE's Homeland Security Investigations and the DHS Office of Intelligence and

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<sup>11</sup> Corin Hoggard, *Off-duty Minnesota officers allege racial profiling by ICE*, FOX 9 Minneapolis-St. Paul (Jan. 20, 2026 4:39 PM), <https://www.fox9.com/news/offduty-minnesota-officers-allege-ice-racial-profiling-jan-2026>; Louis Casiano, *ICE racially profiled US citizens, Minnesota police chiefs allege*, Fox News (Jan. 20, 2026 2:34 PM), <https://www.foxnews.com/us/minnesota-police-chiefs-allege-some-ice-agents-racially-profiled-us-citizens-including-off-duty-officers>; Chip Mitchell et al., *supra* note 5; Laura Rodríguez Presa, Rebecca Johnson & Gregory Royal Pratt, *Latino US citizens racially profiled by federal immigration agents in immigration agents in Chicago: 'I felt like a piece'*, Chic. Trib. (Nov. 15, 2025, 10:07 AM), <https://docs.house.gov/meetings/JU/JU00/20251118/118692/HMKP-119-JU00-20251118-SD007.pdf>

<sup>12</sup> Spencer Reynolds, *Inside the Federal Protective Service, Homeland Security's Domestic Police Force*, Brennan Ctr. For Just., NYU (Oct. 8, 2024), <https://www.brennancenter.org/our-work/research-reports/inside-federal-protective-service-homeland-securitys-domestic-police>.

<sup>13</sup> Rebecca Santana & Michael Balsamo, *2,000 federal agents sent to Minneapolis area to carry out 'largest immigration operation ever,' ICE says*, Assoc. Press (Jan. 6, 2026 6:42 PM), <https://www.pbs.org/newshour/politics/2000-federal-agents-sent-to-minneapolis-area-to-carry-out-largest-immigration-operation-ever-ice-says>.

Analysis. DHS intelligence officers collect biased and inaccurate gang database information, disseminate junk intelligence that lead to biased policing decisions at the state and local levels, surveil constitutionally-protected activity, and deploy intrusive surveillance technology, such as flying drones over U.S. cities to police protests.<sup>14</sup> Few clear and applicable restrictions exist, resulting in a host of abuses against racial justice advocates, immigrants, and their allies and supporters.<sup>15</sup> Congress should prohibit funding for these abusive practices.

- **Flawed joint task force models.** Joint task forces comprised of federal, state, and local law enforcement to counter terrorism have long abused local resources and resulted in the biased targeting of Muslim and Black residents.<sup>16</sup> Last year, the White House expanded this flawed and widely-criticized model to target so-called gang and cartel activity—which, in actuality, serve as mere pretexts to justify disparate harms imposed on Black

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<sup>14</sup> Dell Cameron, *DHS Kept Chicago Police Records for Months in Violation of Domestic Espionage Rules*, WIRED (Nov. 12, 2025 5:03 PM), <https://www.wired.com/story/dhs-kept-chicago-police-records-for-months-in-violation-of-domestic-espionage-rules/> (acquisition of biased gang database information); Spencer Reynolds & Faiza Patel, *A New Vision for Domestic Intelligence*, Brennan Ctr. For Just., NYU (Mar. 30, 2023), <https://www.brennancenter.org/our-work/policy-solutions/new-vision-domestic-intelligence> (analysis of questionable activities of the DHS intelligence enterprise); Joanna Slater, *Trump Cabinet secretaries conspired to violate Constitution, judge says*, Wash. Post (Jan. 15, 2026), <https://www.washingtonpost.com/nation/2026/01/15/protesters-trump-administration-free-speech-violations/> (survey of current federal targeting of constitutionally-protected speech and associations); <https://jsis.washington.edu/humanrights/2025/10/21/leaving-the-door-wide-open/> (newly exposed surveillance technologies pose serious risks); Zolan Kanno-Youngs, *U.S. Watched George Floyd Protests in 15 Cities Using Aerial Surveillance*, N.Y. Times (June 19, 2020), <https://www.nytimes.com/2020/06/19/us/politics/george-floyd-protests-surveillance.html> (U.S. Customs and Border Protection flew a drone over Minneapolis racial justice demonstrations in 2020); TIME Staff, *U.S. Immigration Agency Using Drones Capable of Surveillance During L.A. Protests*, TIME (June 12, 2025, 5:18 PM), <https://time.com/7293743/drones-los-angeles-protests-law-enforcement/> (the agency did so again in Los Angeles last summer).

<sup>15</sup> Press Release, LDF, LDF Opposes Department of Homeland Security’s Politicized Targeting of Cop City Activists in Atlanta, Georgia (Dec. 15, 2023), <https://www.naacpldf.org/news/ldf-opposes-department-of-homeland-securitys-politicized-targeting-of-cop-city-activists-in-atlanta-georgia/> (letter analyzing harmful DHS intelligence activities squarely targeting Atlanta racial justice advocacy).

<sup>16</sup> *Defunding and Dismantling Anti-Muslim Surveillance*, Asian L. Caucus (Oct. 1, 2021), <https://www.asianlawcaucus.org/news-resources/perspectives/defunding-and-dismantling-anti-muslim-surveillance>; Zahra Billoo, Javeria Jamil, Brandon Mayfield Mike German, Event: *Bad Partners: Why Local Law Enforcement Should Leave FBI Joint Terrorism Task Forces*, Brennan Ctr. For Just., NYU (Feb. 11, 2021, 5:00 PM) <https://www.brennancenter.org/events/bad-partners-why-local-law-enforcement-should-leave-fbi-joint-terrorism-task-forces>.

and Brown people.<sup>17</sup> These new “homeland security task forces” will likely exacerbate these preexisting harms. Congress should prohibit funding for these task forces.

- **Abusive data sharing practices between federal agencies.** Recent actions by the administration have compounded already weak safeguards against the unrestricted sharing of personal data, collected by the federal government, with federal security agencies.<sup>18</sup> To power its immigration crackdown, DHS is now relying on social security, tax, labor, health, and voter data.<sup>19</sup> Congress should impose strict restrictions on this alarming dissemination of personal and sensitive data to federal agencies with immigration and law enforcement authorities.
- **Unchecked, secretive acquisition of private industry surveillance tools.** Increasing reliance on private intelligence firms and data brokers compounds the ongoing harms of aggressive immigration enforcement and fuels the unchecked activities of DHS agents across the country. The involvement of private actors often impedes public transparency while expanding DHS’s abusive practices and increasing the risk of rights violations.<sup>20</sup> Congress should prohibit funding for any such private tools.

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<sup>17</sup> Exec. Order No. 14,159, 90 Fed. Reg. 8443, 8444 (Jan. 20, 2025), <https://www.federalregister.gov/documents/2025/01/29/2025-02006/protecting-the-american-people-against-invasion#p-12> (creation of the “homeland security task force”); Nazgol Ghandnoosh, *One in Five: Disparities in Crime and Policing*, Sentencing Project (Nov. 2, 2023), <https://www.sentencingproject.org/reports/one-in-five-disparities-in-crime-and-policing/> (survey of harms of gang policing disproportionately impacting Black and Brown people).

<sup>18</sup> Exec. Order No. 14,243, 90 Fed. Reg. 13,681-82 (Mar. 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/03/stopping-waste-fraud-and-abuse-by-eliminating-information-silos/> (directing the broad sharing of information across federal agencies).

<sup>19</sup> *Class action lawsuit challenges Trump-Vance administration’s unlawful “National Data Banks,”* Citizens for Responsibility & Ethics in Wash. (Sept. 30, 2025), <https://www.citizensforethics.org/legal-action/lawsuits/class-action-lawsuit-challenges-trump-vance-administrations-unlawful-national-data-banks/>.

<sup>20</sup> See *The Data Broker Loophole is a Threat to Civil Rights*, Nat’l Assoc. of Crim. Def. Lawyers (Apr. 2025), <https://www.nacdl.org/getattachment/1f25febe-e56e-40ea-b37f-fba358812a6b/civil-rights-and-data-purchases.pdf> (criminal law impacts of the “data broker loophole”); Chris Chase, *Explaining the Data Broker Loophole*, Directive: Blog (Nov. 27 2024), <https://www.directive.com/blog/explaining-the-data-broker-loophole.html> (highlighting various additional harms).

Despite the horrific acts of violence and abuse that we have witnessed across the country, DHS agents remain largely unaccountable. Congress, therefore, must pass the Bivens Act,<sup>21</sup> which provides legal recourse for individuals whose rights are violated by federal officials. Congress should also eliminate qualified immunity,<sup>22</sup> a doctrine that unduly shields officials engaged in unlawful conduct, thereby incentivizing bad behavior. These reforms could be attached to an appropriations bill or passed separately. Further, Congress should condition any DHS funding on federal agencies' agreement to independent, transparent investigations of officers' potential violations of law or constitutional rights, including cooperation with any inquiries conducted by state and local agencies.

We and the public are outraged by the relentless acts of violence and other harms wrought by DHS operations and policies. This outrage is further exacerbated by the knowledge that this unlawful activity is funded by American tax dollars, as appropriated by Congress. It is, therefore, imperative that Congress exercise its constitutional power to rein in DHS with budgetary restrictions that will help protect the civil and constitutional rights of all individuals within our borders, which is essential to preserve the dignity and humanity of all people, regardless of their immigration or citizenship status.

We welcome speaking with your staff about these goals and specific actions that are necessary to accomplish them. Please direct any questions to Spencer Reynolds, Senior Counsel of the LDF Justice in Public Safety Project, at [sreynolds@naacpldf.org](mailto:sreynolds@naacpldf.org).

Respectfully submitted,

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<sup>21</sup> Press Release, Congressman Hank Johnson, Congressman Johnson Reintroduces Bills to Hold Federal Officials Accountable (Nov. 19, 2025), <https://hankjohnson.house.gov/media-center/press-releases/congressman-johnson-reintroduces-bills-hold-federal-officials>.

<sup>22</sup> *What is Qualified Immunity? FAQ and Impact*, LDF, <https://www.naacpldf.org/qualified-immunity/>.