

February 24, 2026

# THE STATE OF CONSTITUTIONAL RIGHTS IN MINNESOTA



# Overview

- I. Background: Operation Metro Surge
- II. ACLU reports, intake, and litigation
- III. DHS Falsehoods and Failed Prosecutions
- IV. Criticisms from the Federal Judiciary
- V. Effects on non-ICE-related Minnesota prosecutions

# Operation Metro Surge

## **Largest deprivation of constitutional protections in Minnesota history**

- In December 2025, 3000 Federal agents deployed to Minnesota.
- ICE Acting Director Todd Lyons – "largest immigration operation ever"; ostensibly as part of a larger fraud investigation though no fraud-related arrests have been announced as part of Metro Surge
- Thousands of Minnesotans have been harassed, intimidated, and assaulted.
- Extra-judicial killings of Renee Good and Alex Pretti; carceral death of Victor Manuel Diaz

# Reports of Constitutional Violations

## As of February, ACLU-MN has received over 700 reports of constitutional violations

- This is only a small portion of total incidents – does not account for people who did not know of the portal, did not feel safe to report, or did not have anyone witness the interaction or free to report it.
- Intakes are largely from observers, protestors, and those racially profiled.
- Minnesota Attorney General's Office has received nearly 1,500<sup>1</sup> submissions since January 15
- There were over 1,000 habeas petitions filed in Minnesota since the start of Metro Surge (compared to 73 in the preceding 12 months)<sup>2</sup>
- In at over 7,000 cases, more than 400 federal judges ruled since the beginning of October that U.S. Immigration and Customs Enforcement is holding people illegally<sup>3</sup>

# ACLU of Minnesota Litigation Update

## *Tincher v. Noem et al.*

- 1st & 4th Amendment violations
- Excessive force on journalists, observers, and protestors
- Injunction has been stayed; amended complaint has been filed

## *Hussen v. Noem et al*

- 4th amendment rights
- Racial profiling, unlawful warrantless arrests
- Injunction denied, court found pervasive racial profiling in plaintiffs' and declarants' accounts

## Other Related Lawsuits

### ***State of Minnesota v. Noem et al.***<sup>4</sup>

- 10th Amendment violations
- Joined by the cities of Minneapolis and Saint Paul<sup>5</sup>

### ***Fridley Public School District v. Noem et al***<sup>6</sup>

- Violation of the Administrative Procedures Act to revoke longstanding non-enforcement policy around schools

### ***The Advocates for Human Rights v. DHS, et. al***<sup>7</sup>

- 1st, 4th, & 6th Amendment violations
- Injunction granted<sup>8</sup>

# Constitutional Violations

(6 out of 10 Bill of Rights Amendments violated)

## First Amendment

- Plaintiffs Tinker and Hussen assaulted, arrested, and released without charges
- Threats to two Italian journalists
- The NewsGuild-Communication Workers of America

## Second Amendment

- After killing of Alex Pretti—FBI director Kash Patel claimed "you can't bring firearms to a protest"
- All gun owners have first amendment rights which can be exercised in conjunction with their second amendment rights

# Constitutional Violations

## Fourth Amendment

- Plaintiffs and declarants in ACLU-MN litigation were assaulted, handcuffed, and dragged into squad cars.

## Fifth Amendment

- All people have the right to due process and equal protection under the law.<sup>9</sup>
- More than 200 court orders violated by the federal government in January in Minnesota alone according to the Chief Judge of the District Court of Minnesota.<sup>10</sup>

# Constitutional Violations

## Sixth Amendment

- Protects the right to counsel
- Federal government routinely denied right to counsel, people held at Whipple with no access or delayed access to attorney
- One attorney reported that ICE told him: "If we let you see your clients, we would have to let all the attorneys see their clients, and imagine the chaos."

## Tenth Amendment

- The state of Minnesota and the cities of Minneapolis and Saint Paul have sued the federal government in *State of Minnesota v. Noem*.

# DHS Falsehoods & Failed Prosecutions Under Scrutiny

## High Profile Prosecutions Dropped Due to Agent Misconduct

### Minnesota

- Minneapolis – DOJ dismissed felony charges against two Minneapolis residents who were accused of "violently beating [an ICE officer] with weapons". Case has been dismissed by the DOJ "with prejudice" and two officers have been placed on leave after making "untruthful statements"<sup>11</sup>
- Virginia – Court dismissed case of where defendant was accused of ramming his car into agents after the DOJ chose to present no witnesses or evidence to support the charges<sup>12</sup>
- Minneapolis – Court dismissed charges against a man accused of "tackling" officers after federal officials reviewed video and saw no tackle and the agents at the scene presented "vague and contradictory" versions of the events<sup>11</sup>

### Around the Country

- Chicago – 92 people were arrested during Operation Midway Blitz; 74 received no charges, 13 charges were filed and subsequently dismissed; 5 charged cases remain pending; 0 convictions.<sup>11</sup>
- Chicago – highest profile case, Marimar Martinez, was shot 5 times by federal officers after being accused of "ramming" a CBP agent with her car. DOJ dismissed case after reviewing its own evidence.<sup>13</sup>
- Los Angeles – DOJ has lost all 6 cases that have gone to trial since the LA surge last June; compared to fewer than 1% of federal defendants acquitted in 2024.<sup>11</sup>
- Juries have also issued not guilty verdicts for people accused of assaulting ICE or similar charges in Louisville, Seattle and Washington DC.<sup>11</sup>

## Criticism from the Federal Judiciary

**Judge Patrick Schiltz (Minn.)** – "ICE has likely violated more court orders in January 2026 than some federal agencies have violated in their entire existence."<sup>14</sup>

**Judge Nancy Brasel (Minn.)** – "The Constitution does not permit the government to arrest thousands of individuals and then disregard their constitutional rights because it would be too challenging to honor those rights."<sup>15</sup>

**Judge Fred Biery (W.D.TX)** – "Observing human behavior confirms that for some among us, the perfidious lust for unbridled power and the imposition of cruelty in its quest know no bounds and are bereft of human decency. And the rule of law be damned."<sup>16</sup>

**Judge Joseph Goodwin (S.D.W.Va.)** – "Across the interior of the United States, agents of the federal government—masked, anonymous, armed with military weapons, operating from unmarked vehicles, acting without warrants of any kind—are seizing persons for civil immigration violations and imprisoning them without any semblance of due process [...] It is an assault on the constitutional order."<sup>17</sup>

## Constitutional Violations in Other Areas

A court prevented the Department of War from retaliating against Democratic elected officials for **First Amendment** conduct – "[The U.S. Government] have trampled on Senator Kelly's First Amendment freedoms and threatened the constitutional liberties of millions of military retirees [...] our retired veterans deserve more respect from their Government, and our Constitution demands they receive it!" Judge Richard Leon (D.C.) <sup>18</sup>

DHS issued an administrative subpoena to Google in response to a man's email to a DHS attorney seeking months of information including "the day, time and duration of all his online sessions; every associated IP and physical address; a list of each service he used; any alternate usernames and email addresses; the date he opened his account; his credit card, driver's license and Social Security numbers." This was followed up with a law enforcement visit to his home. <sup>19</sup>

The former ICE instructor testified that training for recruits has been cut dramatically – rights of protestors was cut from 120 minutes to 10 and courses on legal searches and seizures, the use of force and the limits of an officer's authority were all condensed. <sup>20</sup>

# Effects on Non-Immigration Enforcement in Minnesota

At least 14 attorneys have left the U.S. Attorney's Office for the District of Minnesota.<sup>20</sup> Prior to this departure, the number was reportedly down to "below 40" prosecutors.<sup>21</sup>

- Orders violated; deadlines missed; overworked attorneys including out-of-state and military lawyers
- Chief attorneys of the Civil Division, Violent and Major Crimes Division, and Fraud & Public Corruption Section as are all four lead attorneys on Feeding Our Future<sup>22</sup>
- Criminal defendants are being released because DOJ is prioritizing immigration<sup>23</sup>, including:
  - A man with 12 convictions including strangling a pregnant woman who was facing charges for trafficking methamphetamine
  - A man charged with trafficking 7,600 fentanyl pills and 12 pounds of cocaine
  - A man charged with conspiracy to distribute three pounds of methamphetamine

# Thank you

Any questions or concerns please contact  
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