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## New Filings Detail Harrowing Accounts of ICE and Border Patrol Violence and Intimidation Against Minnesotans

As part of an amended complaint in *Tincher v. Noem*, ACLU and ACLU of Minnesota added three journalists to the suit and submitted over 100 declarations from community members who have experienced or witnessed unlawful activity by ICE

**Case:** [Tincher v. Noem et al.](#)

**Affiliate:** [ACLU of Minnesota](#)

February 13, 2026 3:00 pm

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MINNEAPOLIS – Today, the American Civil Liberties Union, the ACLU of Minnesota, and pro bono partners filed an [amended complaint](#) and over 80 declarations with the U.S. District Court for the District of Minnesota further exposing the harm Minnesotans are experiencing daily at the hands of federal agents. These filings show that federal agents, including Immigration and Customs Enforcement (ICE) and Border Patrol, are continuing to violate the rights of people observing, documenting, and protesting ICE activity in their neighborhoods.

“The dozens of stories we shared with the court today only

represent a small percentage of the Minnesotans whose constitutional rights were violated by federal agents since December,” said **Alicia Granse, staff attorney with ACLU of Minnesota**. “Many of our plaintiffs and declarants said they were afraid for their safety after their encounters with federal agents. Despite that understandable fear, they are boldly sharing their stories to demand accountability from the federal government.”

The amended complaint adds five new plaintiffs, including TNG-CWA, the largest labor union representing journalists and media professionals, and independent news outlet Status Coup News. It also alleges a policy and pattern of retaliation against people for gathering information about, recording, and protesting federal immigration agents’ activity in public, including through the use of chemical agents, excessive force, unlawful arrest, and surveillance and intimidation.

“The First Amendment unequivocally protects the right to gather information about, record, and peacefully protest federal agents carrying out their duties in public view,” said **Scarlet Kim, senior staff attorney with ACLU’s Speech, Privacy, and Technology Project**. “DHS has engaged in a relentless campaign to trample these rights in order to silence and cow those who expose their brutal immigration enforcement tactics. We will use every legal means available to seek accountability for these abuses and to defend the right to document and criticize government lawlessness without fear or intimidation.”

The declarations, filed by a diverse group of over 80 community members, recall government intimidation, aggression, and even violence against people documenting, protesting, and witnessing ICE activity. Examples include:

*“The ICE agent did not say anything to me. Instead, he lowered his window, and pepper sprayed me directly in the face at extremely close range. At no point did ICE give any kind of warning, order, or instruction—not even a verbal “back up”—before pepper spraying me. Had the agent issued even the simplest verbal instruction, I would have complied immediately.” (S.I.)*

*“On the ride over, the agents berated us, telling us that we had interrupted a secret operation to arrest a child abuser. They told me that I deserved what I got for interrupting their operation. I told them that they had been seen knocking on door after door. They did not respond. I told them that they were not treating people with dignity. They did not respond. They asked why I had gone out to observe*

*their operation. I told them that I had seen videos of them mistreating people by tearing families apart and that I wanted to stand up to that. One of the agents admitted to me that it did break his heart to see families torn apart but added that it did not matter.” (J.D.)*

*“I began to turn to leave the area. Next thing I knew, I was being body-slammed into a hard surface. I felt very afraid... With the agents on top of me, I could not breathe... I felt like George Floyd. One of the agents told me to “Shut the fuck up.” I then felt someone place the nozzle of a pepper spray can behind my glasses... I felt searing pain, some of the most intense pain I have felt in my life. I had only been in the area for a few minutes. I had not done anything wrong.” (C.K.)*

*“A woman wearing a gaiter-style mask then leaned out of the front passenger side window of the SUV. She yelled, ‘Emily, Emily, we’re going to take you home.’ She then repeated my name again and repeated that they would take me home. She then said my address. She repeated, in a mocking tone, that they were going to escort me home. I was freaked out. I did not care that they had my name, but I was scared for my family. The agents had told me, in effect, that they knew where I lived and could come and get me and my family at any time.” (E.B.)*

*Tincher v. Noem* was initially filed by the ACLU of Minnesota and pro bono partners on Dec. 17, 2025, on behalf of six Minnesota residents whose constitutional rights were violated by ICE and other federal agents.



Minnesota Jan 2026

Immigrants' Rights

**Tincher v. Noem et al.**

Status: Ongoing

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Minnesota Jan 2026



**Immigrants' Rights**

**Tincher v. Noem et al.**

Status: Ongoing

[Previous press release about this case](#)

## **ACLU-MN, Pro Bono Partners Sue to Protect Protesters, Observers and Journalists from Illegal Activity by ICE**

December 17, 2025 12:00 pm

## **Learn More About the Issues in This Press Release**

**Free Speech**      **Rights of Protesters**

**Freedom of the Press**

## **Related Content**

Press Release Feb 2026



**Free Speech**

**Medical researchers win permanent restoration of research on federal website**

BOSTON – Nearly a year after their scholarly research about endometriosis, suicide risk, and patient safety was removed from a government-hosted website because it included references to the LGBTQ+ community, two university researchers have secured a binding agreement requiring the government to maintain the court-

ordered restoration of their and others' work. The agreement prohibits the federal government from removing more research from the website in the future for the same ideological reasons. The Trump administration had removed the research in early 2025 in accordance with an executive order from the Trump administration prohibiting the use of government funds to "promote" or "inculcate" so-called "gender ideology." The articles removed include "Endometriosis: A Common and Commonly Missed and Delayed Diagnosis," co-authored by plaintiff Dr. Celeste Royce, which included a sentence about diagnosis in transgender and gender-nonconforming people, and "Multiple Missed Opportunities for Suicide Risk Assessment in Emergency and Primary Care Settings," co-authored by plaintiff Dr. Gordon Schiff, which included a sentence about heightened risk in LGBTQ+ communities. "This agreement is a win for the First Amendment and for public health," said Scarlet Kim, senior staff attorney with the ACLU. "The government cannot censor medical research because it acknowledges the existence of transgender people. Research free from ideological interference by the government promotes rigor, objectivity, and scientific value, which benefits everyone." The website, known as PSNet, hosts research from doctors and scholars focusing on patient safety and improving medical outcomes. In addition to the restoration of the work of Dr. Schiff, Dr. Royce, and others, the agreement prohibits the government from removing more articles from PSNet in the future on the basis of the "gender ideology" executive order or a memo from the Office of Personnel Management (OPM) that set out guidelines for implementing that order. "The Trump administration's politically motivated attacks on science have endangered patient safety, stifled protected speech, and undermined the fundamental academic principles of free inquiry," said Rachel Davidson, free expression staff attorney with the ACLU of Massachusetts. "The federal government censored important public health articles without any rational or scientific basis — but thanks to our clients' courage, this work is now restored. Dr. Schiff and Dr. Royce can now continue their work to improve outcomes for patients, and the ACLU will continue to challenge the Trump administration's abuses of power." In March 2025, the researchers filed suit against the Department of Health and Human Services, the Agency for Healthcare Research and Quality, and OPM, arguing that the government violated the First Amendment by imposing a viewpoint-based and unreasonable restriction on the doctors' participation in a forum the government has opened to private speakers. They also argued that the government violated the Administrative Procedure Act, including by removing articles without a reasoned basis. The suit was filed in the District Court of Massachusetts by the American Civil Liberties Union, the ACLU of Massachusetts, and the Media Freedom and Information Access Clinic at Yale Law School. In May, the court issued a preliminary injunction restoring the censored articles to PSNet. "I'm deeply grateful to have supported Yale Law School's Media Freedom & Information Access Clinic and the ACLU in this important case," said Sonam Jhalani, second year law student at Harvard Law School. "Contributing to work that protects scientific integrity and the free exchange of knowledge was a meaningful experience, and I'm proud to have worked alongside those who helped advance these principles."

**Court Case:** Schiff v. Office of Personnel Management  
**Affiliate:** Massachusetts

Press Release

Feb 2026





Free Speech

## Mohsen Mahdawi's Removal Proceedings Terminated by Immigration Judge

NEW YORK – Attorneys for Mohsen Mahdawi filed a letter today with the U.S. Court of Appeals for the Second Circuit announcing that an immigration judge terminated Mr. Mahdawi's removal proceedings. "I am grateful to the court for honoring the rule of law and holding the line against the government's attempts to trample on due process," said Mohsen Mahdawi. "This decision is an important step towards upholding what fear tried to destroy: the right to speak for peace and justice. Nearly a year ago, I was detained at my citizenship interview not for breaking the law but for speaking against the genocide of Palestinians. In a climate where dissent is increasingly met with intimidation and detention, today's ruling renews hope that due process still applies and that no agency stands above the Constitution. This is not the end of the story. It is the beginning of a deeper commitment to peace, dignity, and justice; work I will continue, fearlessly and without apology." The filing outlines the immigration judge's decision, which was based on the government's failure to authenticate a memorandum purportedly from Marco Rubio. This document, which was filed without including referenced attachments, served as the basis for seeking to deport Mr. Mahdawi, and declared Mr. Mahdawi a threat to U.S. foreign policy based solely on his protected speech. The ruling was issued without prejudice, which means the government may appeal the decision to the Board of Immigration Appeals or may attempt to refile a new case based on the same charge. "This decision highlights the importance of federal court review of immigration proceedings, especially when First Amendment and other constitutional violations are alleged," said Brett Max Kaufman, senior counsel with the ACLU's Center for Democracy. "Had we been unable to pursue Mohsen's release in federal court, as the government is arguing should be law of the land, he would still be in detention today on a charge that the government itself couldn't even bother to substantiate 10 months later with basic forms of authentication. The government should take the immigration judge's hint and drop this absurd case for good." Mr. Mahdawi was detained in April 2025 and held in detention for over two weeks. He was released on bail on April 30, 2025, after filing a habeas petition in the United States District Court for the District of Vermont in which he argued he was wrongfully detained in retaliation for his constitutionally protected speech. "We're pleased that the court has terminated this witch hunt of a case," said Cyrus Mehta of Cyrus D. Mehta & Partners PLLC. "Mohsen is a peaceful man and a valued member of his communities in Vermont and at Columbia University. The government's pursuit of his deportation has been an affront to the principle of free speech that undergirds our democracy. The government's inability to even file the proper paperwork demonstrates how careless and reckless they are being in their policy of detaining innocent people for their speech." Mr. Mahdawi is represented in both immigration and federal court by Cyrus Mehta and David Isaacson of Cyrus D. Mehta & Partners PLLC and in federal court by Luna Droubi and Matthew Melewski of Beldock Levine & Hoffman LLP; Andrew Delaney of Martin Delaney & Ricci Law Group; CLEAR; the American Civil Liberties Union; and the ACLU of Vermont.

**Court Case:** Mahdawi v. Trump

**Affiliate:** Vermont

**Free Speech**

## Landmark Settlement Announced in Lawsuit Challenging Unlawful Questioning of Journalists at the Border

NEW YORK – In a win for freedom of the press, the American Civil Liberties Union, the New York Civil Liberties Union, ACLU of San Diego, and Covington & Burling LLP announced a settlement today in a federal lawsuit challenging the unlawful targeting and questioning of five photojournalists at the U.S.-Mexico border. The lawsuit, filed in November 2019 in federal court in the Eastern District of New York against U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE), claimed that border officials violated the journalists' First Amendment rights. The journalists claimed that they were unconstitutionally targeted for secondary inspection, detention, and questioning by U.S. border officials on the basis of their reporting near the U.S.-Mexico border in 2018 and 2019. In March 2021, the district court denied the government's motion to dismiss the case, holding that the plaintiffs had plausibly alleged that border officials violated their First Amendment rights. The case was settled in January 2026. "The future of our democracy depends on the freedom of the press, now more than ever," said plaintiff Bing Guan. "It's clear the government's actions were meant to instill fear in journalists like me, to cow us into standing down from reporting what is happening on the ground. After being targeted for doing just that, I am grateful for what our lawsuit has achieved in defending the rights of journalists to report free from government officials' scrutiny." "This settlement confirms what we already knew: what happened to us was wrong," said plaintiff Kitra Cahana. "Government officials should never put journalists on secret lists, interfere with our ability to work and travel, or pressure us for information at border crossings. My biggest fear is that other journalists may have avoided important stories out of fear of being targeted themselves. Press freedom is not a partisan issue. Everyone should be alarmed when journalists are targeted." The plaintiffs, journalists Bing Guan, Go Nakamura, Mark Abramson, Kitra Cahana, and Ariana Drehsler, are all U.S. citizen professional photojournalists who – between November 2018 and January 2019 – traveled to Mexico to document people traveling north from Central America by caravan to reach the U.S.-Mexico border. Following their reporting on conditions at the border, these five photojournalists were detained and interrogated by U.S. border officers, who sought information about their sources and observations as journalists. Shortly after, government database information leaked to NBC San Diego in March 2019 revealed that the Department of Homeland Security (DHS) had engaged in wide-ranging intelligence collection targeting activists, lawyers, and journalists – including these five journalists. "The First Amendment applies at the border to protect freedom of the press," said Esha Bhandari, director of the ACLU Speech, Privacy, and Technology Project. "We are thankful to have secured redress for these journalists, to allow them to do their jobs reporting on the news free from unjustified government scrutiny." As part of the settlement,

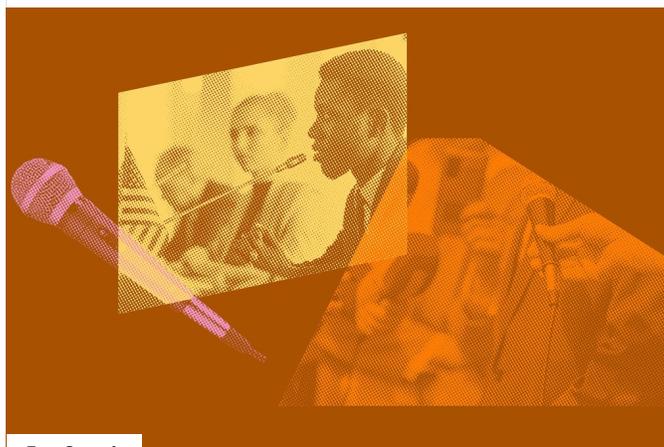
CBP must issue guidance to certain CBP units regarding the First Amendment and Privacy Act protections that apply when questioning journalists at the border. CBP must also take certain steps to ensure that the journalists' past reporting at the U.S.-Mexico border should not serve as a basis for future border questioning. The settlement also includes an amount for costs and attorneys' fees.

**Court Case:** Guan v. Wolf

**Affiliates:** San Diego & Imperial Counties, New York

Press Release

Feb 2026



Free Speech

## Department of Homeland Security Withdraws Subpoena Targeting Man Who Criticized Them

SAN FRANCISCO – In a win for free speech and privacy rights, the Department of Homeland Security withdrew an administrative subpoena it had sent to Google seeking personal information about Jon Doe, a Philadelphia-area man who sent an email to a DHS official asking them to “apply principles of common sense and decency” in the government’s treatment of a man seeking asylum from Afghanistan. Doe sent the email after reading about the case in the Washington Post. Just four hours after Doe sent the email, DHS issued an administrative subpoena to Google seeking a variety of information about Doe and his Gmail account. About two weeks after he was notified about the subpoena, two DHS agents and a local police officer showed up to his home to interrogate him about the email. Doe challenged the subpoena, arguing that it violated his First Amendment rights and was issued in violation of federal law. “Questioning the government without fear of retaliation is a sign of a healthy democracy,” said Jon Doe. “Agents requesting information from your email provider and showing up to your door after you express your opinion is not. I am grateful that I am no longer under investigation, and I am glad to have shined a light on this abusive tactic before they target someone else.” Administrative subpoenas like the one sent to Google about Doe are not self-enforcing and not signed by a judge. They are often issued silently, without the person they target knowing about them unless notified by the recipient, such as an Internet company, school, or employer. DHS has used them previously to try to unmask anonymous social media users who posted about ICE raids and to pressure Columbia University into sharing information about a student who had participated in pro-Palestinian protests. After the ACLU of Northern California and ACLU of Pennsylvania filed motions challenging some of these subpoenas targeting Instagram and Facebook users, DHS withdrew the subpoenas. “This is a resounding win for our First Amendment rights,” Stephen A. Loney, ACLU-PA senior supervising attorney. “Administrative subpoenas like this one are abusive tactics intended to chill speech and punish us for disagreeing with the government. By standing up to their bullying tactics, we’re sending a message too: you can stand up for your rights, and you can win.” The motion to quash the subpoena was filed in the

U.S. District Court for the Northern District of California by the American Civil Liberties Union, the ACLU of Northern California, and the ACLU of Pennsylvania. “Companies like Google know a lot about us, and we shouldn’t have to worry that the government is going to strongarm them for our information if we say something it doesn’t like,” said Jennifer Granick, surveillance and cybersecurity counsel with the ACLU’s Speech, Privacy, and Technology Project. “Administrative subpoenas like this one are insidious -- we challenge this abusive tactic whenever we can because it is our First Amendment rights on the line.” The notice of dismissal can be viewed [here](#).

**Court Case:** Doe v. DHS

**Affiliates:** Northern California, Pennsylvania



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