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Coalition of 39 Former DOJ Staff Urges Court to Hold ICE, Other Federal Agents Accountable

WASHINGTON — Today, Campaign Legal Center (CLC) and the Institute for Constitutional Advocacy and Protection (ICAP) submitted a brief on behalf of 39 former career civil servants who worked in the Special Litigation Section of the U.S. Department of Justice's (DOJ) Civil Rights Division in *Tincher v. Noem*. This case was brought on behalf of protesters and legal observers in Minneapolis, Minnesota, alleging that federal law enforcement — including agents from U.S. Immigration and Customs Enforcement (ICE) — are violating their First Amendment rights by responding to their lawful activities with physical force, intimidation and arrests.

Our brief elevates the voices of former federal workers from the DOJ who used to investigate unconstitutional practices by state and local law enforcement and highlights cases where DOJ found that law enforcement violated the First Amendment rights of protesters and observers by engaging in similar activities to those alleged by the plaintiffs in *Tincher*. It also explains that the Constitution applies equally to federal, state and local law enforcement. Federal law enforcement, including ICE, should be held to the same standard as any other law enforcement agency. Read more about our brief here.

"Every American has a fundamental right to free speech and peaceful protest under the First Amendment of the U.S. Constitution. When law enforcement abuses their power to quash dissent and retaliate against individuals for exercising their First Amendment freedoms, they threaten the foundations of our democratic system," said **Dana Paikowsky, senior legal counsel for voting rights at Campaign Legal Center**. "For years, the federal government rightly took action against local law enforcement agencies that retaliated against protestors and observers in violation of their First Amendment rights. Its own law enforcement agents should be able to live up to the same constitutional standards it required of others in the past."

"As the DOJ has repeatedly stressed in findings against local law enforcement agencies, the First Amendment protects the right to watch law enforcement do their jobs in public, to record their activities, and to publicly criticize what law enforcement is

doing," said **Seth Wayne, senior counsel at the Institute for Constitutional Advocacy and Protection and former Special Litigation Section attorney**. "Those same principles apply to federal law enforcement."

Constitutional protections are not theoretical ideals but enforceable guarantees. The rule of law is only meaningful when it applies equally to everyone, including those who wield government power.

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