



# **The Crisis Deepens: Congress Must Act Now to Address Escalating Abuses of Executive Power**

## **Rule of Law Task Force**

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**THE CRISIS DEEPENS: CONGRESS MUST ACT NOW  
TO ADDRESS ESCALATING ABUSES OF EXECUTIVE POWER**

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**About the Association**

*The mission of the New York City Bar Association, which was founded in 1870 and has over 20,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.*

## EXECUTIVE SUMMARY

On December 18, 2025, the New York City Bar Association (City Bar) issued a comprehensive report (“December Report”) summarizing the gross abuses of presidential power and breach of the public trust by President Donald J. Trump and his Administration during the first ten months of his current Presidential term.<sup>1</sup> We said in that report that we would continue to monitor such actions by the President and his Administration going forward, and we do so now.

As shown in the December Report, these abuses of power and breach of public trust reach virtually every core responsibility of the presidency—from commanding the armed forces and enforcing the laws to safeguarding the health, safety, and welfare of the American people.

Specifically, the December Report described in detail President Trump’s abuses of executive power in six principal areas of Constitutional responsibility:

*First*, the President abused his role as Commander-in-Chief by deploying federal troops and federalizing National Guard forces into American cities without lawful justification;

*Second*, the President and his Administration repeatedly undermined fundamental rights of individuals guaranteed by the Constitution and federal law;

*Third*, the President and his Administration systematically attacked judicial independence;

*Fourth*, the President and his Administration sought to undermine Congress’s constitutional role and to dismantle or disable Congressionally mandated agencies and programs;

*Fifth*, the President and his Administration compromised national security by engaging in unlawful uses of force and undermining international institutions; and

*Sixth*, the President used the Presidency for personal enrichment of himself and his family.

Because of the breadth, persistence and escalating nature of these abuses of executive authority, our December Report called on Congress to reclaim its role, and its power, as a co-equal branch of government and to use all available tools—including investigations, sanctions, legislation and impeachment—to assure accountability for the Presidential and Executive Branch abuses summarized in that Report. We also promised to continue to monitor events as they unfold and warned Congress “of all our nation has to lose by abdicating the roles and responsibilities of our tripartite government—with its separation of powers and its checks and balances—which was carefully designed to prevent despotism and rule by fear and fiat.”

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<sup>1</sup> “The Abuse of Presidential Power and Breach of Public Trust,” New York City Bar Association, Dec. 2025 (“December Report”), <https://www.nycbar.org/reports/the-abuse-of-presidential-power-and-breach-of-public-trust/?back=1>. (All websites last accessed March 9, 2026)

Although it is impossible for us to discuss every unauthorized action of this President, we here mention several of the more egregious actions he and his Administration have undertaken since our December Report and the date of this Update.

In the less than three months since our December Report, President Trump and his principal agents have accelerated their abuse of power and violation of public trust in at least five of the areas described above and, by so doing, have inflicted grave damage on the Constitutional rights, safety, well-being, and security of Americans. The question is no longer if, but when: Congress must act immediately to curb these abuses—including the illegal acts of aggression and unauthorized war against Iran launched on February 28, 2026—and hold those responsible to account.

These most recent abuses are particularly reflected in several on-going crises engineered by the President and his staff that reveal in the starkest terms the dangers posed to our nation.

## **I. MINNEAPOLIS**

At the President’s direction, the Department of Homeland Security (DHS) and its Immigration and Customs Enforcement (ICE) and Customs and Border Control (CBP) agencies, in their own words, “flooded” the city of Minneapolis with thousands of ICE and CBP agents dressed in military combat gear, masked to prevent their identification, armed with handguns, high power rifles, chemical projectiles and tear gas and transported by an array of military vehicles and helicopters. Despite their ostensible statutory purpose of detaining dangerous criminals illegally in the country – “the worst of the worst” – ICE and CBP agents illegally entered, often violently and almost always without judicial warrant, private homes, schools, places of worship, businesses and other locations seeking to detain anyone they might claim to be illegally in the country, regardless of their age, physical or mental condition, or proof of citizenship.<sup>2</sup> Detainees have been seized, shackled, placed in unmarked ICE or CBP vehicles and transported within hours to distant locations where they have been housed in crowded and unsanitary facilities with limited or no ability to contact their family, friends or a lawyer, or to secure necessary medicines.<sup>3</sup> The great majority of these individuals have no criminal records, and many have regularly attended scheduled immigration hearings in pursuit of their pending

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<sup>2</sup> American Immigration Council, “How ICE Went Rogue: A Brief Analysis of the Legal Authorities Governing ICE and CBP Operations – and How They’re Being Undermined and Violated by Policy and Practice,” Feb. 11, 2026, <https://www.americanimmigrationcouncil.org/fact-sheet/ice-cbp-legal-analysis/>; Ximena Bustillo, Michael Martin, “Violent Incidents Involving IIICE Raise questions about their training and use of force,” NPR, Jan. 16, 2026, <https://www.npr.org/2026/01/16/nx-s1-5675286/violent-incidents-involving-ice-raise-questions-about-their-training-and-use-of-force>; Jack Brook, “A U.S. citizen says ICE forced open the door to his Minnesota home and removed him in his underwear after a warrantless search,” Associated Press, Jan. 20, 2026, <https://www.pbs.org/newshour/nation/a-u-s-citizen-says-ice-forced-open-the-door-to-his-minnesota-home-and-removed-him-in-his-underwear-after-a-warrantless-search>; Anna Faguy, “Blind refugee found dead in New York after being released by immigration authorities,” BBC, Feb. 28, 2026, <https://www.bbc.com/news/articles/cq57j559eq4o>.

<sup>3</sup> Gwynne Hogan, “Judge Slams ICE for Overcrowding and Inhumane Conditions at 26 Federal Plaza Lockup,” The City, Sept. 17, 2025, <https://www.thecity.nyc/2025/09/17/ice-overcrowding-conditions-judge-injunction-26-federal-plaza/>.

applications for asylum or other protected immigration status. A significant number are children, many of whom were detained while going to or leaving school.<sup>4</sup>

These are not rogue ICE officers acting alone, but following directions issued by their superiors. It now appears that in May 2025, Todd Lyons, ICE's acting director, specifically authorized agents to forcibly enter private homes with only an "administrative warrant" issued by ICE itself, rather than the judicial warrant normally required under the Fourth Amendment to the Constitution.<sup>5</sup> On January 28, 2026, Mr. Lyons issued a further memo to ICE personnel authorizing them to make warrantless arrests of people they believe are undocumented immigrants if, in an agent's judgment, they are "likely to escape" before an "administrative warrant" can be obtained.<sup>6</sup> According to this latest Lyons memo, a person is "likely to escape" if he or she is unlikely to remain at the scene of the encounter (or another clearly identified location) while an administrative warrant is obtained. In practice, this latest memo by ICE's acting director gives ICE agents virtually free rein to arrest anyone they believe is an undocumented immigrant without any prior judicial or even administrative review of the Constitutionally required "probable cause" for that arrest.

In addition to the abusive detention of both citizens and visitors lawfully in the country, ICE and CBP expanded their roles in Minneapolis to occupy portions of the city in order to deter the public from protesting these abusive immigration raids and practices. As citizens gathered to peacefully protest the ICE detentions, masked ICE and CBP agents, armed as if for combat, seized control of neighborhood streets, assaulted peaceful neighbors and passersby in their vehicles, smashed car windows, dragged motorists and passengers roughly from their vehicles, handcuffed and arrested them without cause and detained them for hours or days, all without reference to the victims' citizenship or lawful presence in the country.<sup>7</sup> As American citizens

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<sup>4</sup> TRAC Immigration, Immigration detention Quick Facts (as of Feb. 7, 2026), <https://tracreports.org/immigration/quickfacts/>; See also Liz Landers and Kyle Midura, "A sweeping new investigation by the Associated Press is raising serious questions about what's happening inside America's immigration courts. White House Correspondent Liz Landers reports on how the Administration has short-circuited the asylum process," PBS, Nov. 24, 2025, <https://www.pbs.org/newshour/show/deportation-trap-immigration-agents-arresting-migrants-at-mandatory-court-check-ins>; Liz Landers, Doug Adams and Amalia Huot-Marchand, "The ICE Operations in the Twin Cities are also affecting children who are caught up in the surge of personnel and detentions. A 5-year-old boy who was held by federal agents was a student in the Columbia Heights School District. Liz Landers discussed the incident with Superintendent Zena Stenvik," PBS, Jan. 23, 2026, <https://www.pbs.org/newshour/show/they-are-circling-our-schools-superintendent-says-after-5-year-old-detained-by-ice>.

<sup>5</sup> Rebecca Santana, "Immigration Officers Assert Sweeping Power to enter homes without a judge's warrant, memo says," Associated Press, Jan. 21, 2026, <https://apnews.com/article/ice-arrests-warrants-minneapolis-trump-00d0ab0338e82341fd91b160758aeb2d>.

<sup>6</sup> U.S. Immigration and Customs Enforcement, "Civil Immigration Arrest Authority: Administrative Arrest Warrants and Warrantless Arrests," Jan. 28, 2026 (mem. from Acting Dir. Todd Lyons), <https://immpolicytracking.org/policies/ice-issues-guidance-on-arrest-warrants-and-warrantless-arrests/#/tab-policy-documents>.

<sup>7</sup> Tim Henderson, "States, cities are hard-pressed to fight violent ICE arrest tactics," Stateline, Jan. 22, 2026, <https://stateline.org/2026/01/22/states-cities-are-hard-pressed-to-fight-violent-ice-arrest-tactics/>; Meg Anderson, "Tackles, projectiles and gunfire: Many fear ICE tactics are growing more violent," NPR, Oct. 13, 2025, <https://www.npr.org/2025/10/13/nx-s1-5566785/ice-dhs-immigration-tactics-more-violent>; Nicole Foy, "We Found

gathered peacefully in Minneapolis (and elsewhere) to protest these unlawful actions, ICE responded with tear gas and gratuitous brutality against onlookers, religious leaders, reporters and civilians recording ICE actions or coming to the aid of injured observers. After the administration announced a “draw-down” of 700 of the 3000 federal agents in the city, the abusive practices continued, unabated. On February 12, 2026, the federal government announced that it would end the DHS immigration surge and withdraw its DHS agents from Minneapolis.<sup>8</sup>

This unchecked violence, clearly condoned if not directed by ICE leadership, escalated to several shootings of civilians,<sup>9</sup> including two apparently unprovoked homicides by ICE agents of Renee Good and Alex Pretti, both American citizens who posed no threat to those agents and whose deaths have demonstrated to our nation, and the world, ICE’s apparent belief that it and its officers are not subject to any limits. A third ICE victim, Julio Cesar Sosa-Celis, was also shot by ICE agents in Minneapolis, and was criminally charged as a result of the interaction.<sup>10</sup>

The deliberate failure to train these federal agents wielding weapons of war makes their deadly behavior predictable. Guardrails like body cameras are unlikely to curb this behavior. Since July 2025, ICE agents have fired at least 16 times at members of the public.<sup>11</sup> The Chief Judge of the U.S. District Court for Minnesota recently noted that ICE had openly violated at least 96 federal court orders during January alone, making clear its view that ICE agents are beyond the reach of either federal or state law.<sup>12</sup>

These are not isolated actions. Nor do they begin or end with ICE or CBP. Top Administration officials immediately rushed to make public statements vilifying both Good and Pretti and attempting to justify the actions of the shooters, in contradiction of publicly available

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That More Than 170 U.S. Citizens Have Been Held by Immigration Agents, They’ve Been Kicked, Dragged and Detained for Days,” Pro Publica, Oct. 16, 2025, <https://www.propublica.org/article/immigration-dhs-american-citizens-arrested-detained-against-will>; Safiyah Riddle, Sarah Brumfeld and Hallie Golden, “Federal immigration agents filmed dragging a woman from her car in Minneapolis,” KSAT, Jan. 15, 2026, <https://www.ksat.com/news/national/2026/01/16/federal-immigration-agents-filmed-dragging-a-woman-from-her-car-in-minneapolis/>.

<sup>8</sup> Gigi Douban, “Trump Border Czar Tom Homan Announces Minnesota Immigration Surge Is Ending,” *NPR*, Feb. 12, 2026, <https://www.stlpr.org/npr/2026-02-12/trump-border-czar-tom-homan-announces-minnesota-immigration-surge-is-ending>.

<sup>9</sup> Wikipedia, “List of shootings by immigration agents in the second Trump administration,” [https://en.wikipedia.org/wiki/List\\_of\\_shootings\\_by\\_U.S.\\_immigration\\_agents\\_in\\_the\\_second\\_Trump\\_administration](https://en.wikipedia.org/wiki/List_of_shootings_by_U.S._immigration_agents_in_the_second_Trump_administration).

<sup>10</sup> Alexandra Beerzon and Allison McCann, “When Trump Officials’ Claims About Shootings Unravel in Court,” *NY Times*, Feb. 10, 2026, <https://www.nytimes.com/2026/02/10/us/politics/homeland-security-shootings.html>.

<sup>11</sup> *Id.*

<sup>12</sup> Order and Appendix, *Juan T.R. v. Kristi Noem, et al.*, 26-CV-0107 (PJS/DLM) (D. Minn. Jan. 28, 2026).

video evidence.<sup>13</sup> Then-Secretary of Homeland Security, Kristi Noem,<sup>14</sup> contrary to evidence plainly visible in widely shared videos of the Renee Good and Alex Pretti killings, defended both shootings, wrongly accused both victims of “domestic terrorism” and falsely claimed that Pretti was “brandishing” a gun, a claim echoed by the President’s senior domestic advisor Stephen Miller, who called Pretti “a would-be assassin.”<sup>15</sup> The Department of Justice (DOJ) under Attorney General Pam Bondi and the FBI under Director Kash Patel have refused to investigate either of these apparent murders, leading the supervisor of the FBI’S Minneapolis field office to resign after she was directed to discontinue an investigation of the ICE officer who killed Renee Good. Several assistant U.S. Attorneys in the Minnesota office resigned rather than follow the directives of the Attorney General to investigate Ms. Good and her widow.<sup>16</sup> The FBI also sought to frustrate state investigations of these ICE shootings by withholding relevant evidence from Minnesota officials responsible for enforcing state criminal laws. Federal agents even refused to honor a state court search warrant requiring them to permit access to the Pretti crime scene by state investigators carrying out state functions protected by the 10th Amendment.<sup>17</sup>

Nor does responsibility for ICE shootings and widespread violations of law stop at DHS, the DOJ or the FBI. Hours after the shooting, the President and Vice President joined in blaming Renee Good for her own death.<sup>18</sup> The Vice President falsely claimed that all ICE officers enjoy “absolute immunity” for their actions,<sup>19</sup> all but inviting continuing abusive detentions, assaults and killings by poorly trained agents whose identities are concealed and who apparently believe their superiors will continue to protect them against any form of accountability.

It is the President, however, who must assume ultimate responsibility for these actions by his principal subordinates and for his own role in encouraging DHS and ICE to use “maximum

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<sup>13</sup> Renee Hickman, Ted Hesson, Brad Heath and Kristina Cooke, “In six violent encounters, evidence contradicts Trump immigration officials narratives,” Reuters, Jan. 28, 2026 (updated Feb. 1, 2026), <https://www.reuters.com/world/us/evidence-contradicts-trump-immigration-officials-accounts-violent-encounters-2026-01-27/>.

<sup>14</sup> Secretary Noem was removed as Secretary of Homeland Security and recently named to the newly created position of Special Envoy for The Shield of the Americas. See <https://www.dhs.gov/news/2026/03/05/thanks-president-trump-and-secretary-noem-america-safer>.

<sup>15</sup> Alison Durkee, “How Trump Officials-Noem, Miller, Patel Portrayed Pretti as Violent Despite Conflicting Evidence,” Forbes, Jan. 26, 2026, <https://www.forbes.com/sites/alisondurkee/2026/01/26/how-trump-officials-noem-miller-patel-portrayed-pretti-as-violent-despite-conflicting-evidence/>; Julianne McShane, “Kristi Noem Refuses to Apologize for Accusing Good, Pretti of Domestic Terrorism,” MS NOW, Mar. 4, 2026, <https://www.ms.now/news/kristi-noem-house-testimony>.

<sup>16</sup> Sarah N. Lynch, Daniel Klaidman, Scott McFarlane, “FBI agent in Minneapolis involved in Renee Good probe resigns,” CBS News, Jan. 23, 2026, <https://www.cbsnews.com/news/fbi-agent-minneapolis-renee-good-resigns/>.

<sup>17</sup> Emily Bazelon, “In Minnesota, America’s Federal System is Coming Apart,” NY Times, Jan. 30, 2026, <https://www.nytimes.com/2026/01/30/magazine/minnesota-investigation-state-federalism.html>.

<sup>18</sup> Michelle L. Price, “Vance Calls Killing of Minneapolis Woman by an ICE Officer ‘a tragedy of her own making,’” Associated Press News, Jan. 8, 2026, <https://apnews.com/article/vance-minnesota-immigration-enforcement-06b23b428edcc8498362be4ac656f201>.

<sup>19</sup> See e.g., Ava-joye Burnett, “Do ICE agents truly have ‘absolute immunity’?” Scripps News, Jan. 15, 2026, <https://www.scrippsnews.com/us-news/do-ice-agents-truly-have-absolute-immunity>.

force” in pursuing “domestic terrorists.”<sup>20</sup> The President also contributed personally to the false picture of Minnesota in general, and Minneapolis in particular, by threatening to deploy some 1,500 regular U.S. Army troops in Minnesota for the ostensible purpose of restoring order to that community.<sup>21</sup> With 3,000 ICE agents already far exceeding the combined police forces of Minneapolis and nearby St. Paul, the President’s threat to send many regular army troops to a city whose residents were widely protesting ICE’s presence sent a clear message that ICE’s militaristic tactics were welcomed by the Commander-in-chief.

The President may believe, as his past comments have suggested, that the Supreme Court’s 2024 decision in *Trump v. U.S.* insulates him from any criminal accountability for crimes committed by subordinates at his direction or with his encouragement. But even an expansive reading of that Presidential immunity does not apply to DHS, ICE, DOJ or FBI personnel who commit state or federal crimes by abusing or killing either citizens or immigrants, aiding, abetting or encouraging those crimes or obstructing justice in order to prevent accountability under applicable law. Nor does the President’s claim that the nation is “at war” with unknown terrorists provide an excuse for ICE’s conduct since (a) there is no such “war” and (b) even in armed conflict, both U.S. and international law prohibit mistreatment and killing of civilians in the manner practiced by ICE. While the President and his subordinates may believe that the President’s broad pardon authority effectively protects his appointees against criminal accountability, any such use of the pardon authority would, like the January 6 pardons previously issued by the President, constitute a grave abuse of Presidential power and a grave betrayal of the most basic principles underlying our republic.

The crimes evident in Minneapolis must not go unpunished. Nor should the repeated violations of the Fourth Amendment’s prohibition on unreasonable search and seizure and the Fifth Amendment’s prohibition on deprivation of life or liberty without due process of law. Equally important, the President’s own failure to defend the Constitution and “take care that the laws be faithfully executed” must no longer be tolerated by Congress.

As even the short summary above makes clear, the flagrant abuses of power by the President and his appointees in Minnesota include:

- (1) improperly using DHS, ICE and CBP not to carry out their statutory functions in accordance with law but to occupy American cities and terrorize residents through combat-style military presence in the absence of any threat to the public safety and against the wishes of state and local officials;

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<sup>20</sup> See Jonah E. Bromwich, “White House Use of ‘Domestic Terrorist’ Doesn’t Match Legal Reality,” New York Times, Jan. 28, 2026, <https://www.nytimes.com/2026/01/28/us/trump-minnesota-protesters-domestic-terrorists.html?smid=nytcore-ios-share>.

<sup>21</sup> Dam Lamothe and Praveena Somasundaram, “Pentagon Readies 1,500 soldiers to possibly deploy to Minnesota, officials say,” Washington Post, Jan. 18, 2026, <https://www.washingtonpost.com/national-security/2026/01/18/trump-minnesota-insurrection-act/>.

- (2) depriving both citizens and non-citizens of their Constitutional rights not to be subject to militaristic actions of ICE and CBP; and
- (3) undermining the integrity and roles of DOJ and the FBI to enforce the law equally, rather than as serving as agents for, and protectors of, a President and his agents who believe they are beyond the law.

## II. UNDERMINING OUR NATION'S INTERNATIONAL RELATIONS

In our December Report, we reiterated our previous condemnation of President Trump's unlawful attacks on Venezuelan vessels and threats against that nation's government, which violated both U.S. and international law.<sup>22</sup> We also noted his abandonment of important international institutions that our nation had helped create and his ban on foreign visitors from 48 largely African and Muslim-majority countries, an action that reinforced public perceptions of U.S. racism in its international relations.<sup>23</sup>

On January 2, the President unilaterally, without Congressional authorization, ordered U.S. military forces to attack Venezuelan defense installations and seize Venezuelan President Nicholas Maduro, in the process killing a large number of Venezuelan and Cuban military personnel. As we pointed out in our statement issued shortly thereafter,<sup>24</sup> Maduro's capture was an illegal use of force not authorized by Congress and in violation of binding U.S. obligations under the United Nations Charter and the Montevideo Convention. Following the armed attack and capture of Maduro, President Trump announced that the U.S. would "run" Venezuela, including its oil industry, for an indefinite time,<sup>25</sup> acts that would be a violation of the UN Charter and well-established principles of non-intervention in international law.

The unlawful actions against Venezuela were briefly followed by Trump Administration unlawful threats of military force against Cuba, threats that were soon augmented by the President's renewed demand that Denmark cede Greenland to the United States or face a military takeover of that Danish territory.<sup>26</sup>

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<sup>22</sup> December Report, *supra* note 1; *see also* "Congress Must Act to Halt the President's Violations of U.S. and International Law in Venezuela," New York City Bar Association, Jan. 5, 2026, ("Law Violations in Venezuela") <https://www.nycbar.org/press-releases/congress-must-act-to-halt-the-presidents-violations-of-u-s-and-international-law-in-venezuela/>; "Statement on Unlawful Attacks on Venezuelan Vessels," New York City Bar Association, Oct. 6, 2025, ("Venezuelan Vessels Statement"), <https://www.nycbar.org/press-releases/unlawful-attacks-on-venezuelan-vessels/>.

<sup>23</sup> December Report, *supra* note 1.

<sup>24</sup> Law Violations in Venezuela, *supra* note 22.

<sup>25</sup> *See* David E. Sanger, Tyler Pager, Katie Rogers and Zolan Kanno-Youngs, "Trump Says US Oversight of Venezuela Could Last Years," New York Times, Jan. 8, 2026 (updated Jan. 10, 2026), <https://www.nytimes.com/2026/01/08/us/politics/trump-interview-venezuela.html>.

<sup>26</sup> Holly Ellyatt, "UK looks to work its magic on Trump to defuse Greenland tariff threat, calling for calm," CNBC, Jan. 19, 2026, <https://www.cnbc.com/2026/01/19/uk-trump-starmer-greenland-tariffs.html>.

When both Denmark and Greenland officials made clear their firm opposition to President Trump's demand, the President escalated his threats and made known that U.S. military forces are an option to use for the United States to take over Greenland,<sup>27</sup> notwithstanding Denmark's status as a NATO ally whom other NATO members were pledged to support against foreign invasion. Indeed, under Article 5 of the North Atlantic Treaty, any attack against Denmark would be considered an attack against all NATO members, which would—absurdly and illogically—require the United States to defend Denmark against an attack by the United States. Any threat to use force is also a violation of Article 2(4) of the UN Charter. When a number of European countries made clear their support for Denmark in resisting the President's threats, President Trump responded by announcing extraordinarily high tariffs on EU imports to the United States.<sup>28</sup>

Although President Trump later backed down from both his military threats against Greenland and his tariff threats against the EU,<sup>29</sup> his threatened use of military force to occupy Greenland was not authorized by Congress and was beyond any plausible claim of inherent President authority in conducting the nation's foreign affairs. Similarly, his threatened EU tariffs were not only unauthorized by Congress but were unrelated to any claimed basis for Presidential authority under the International Economic Emergency Powers Act that the President asserted in federal litigation challenging his tariff actions. Beyond their illegality, the President's audacity in demanding territory from a NATO ally and threatening severe economic sanctions against EU countries has done serious damage to our nation's safety and security by undermining our most important treaty and one that has, with the support of every President from 1945 through 2024, helped resist territorial aggression in Europe.

Most recently, the President threatened and has now commenced war against Iran for reasons that remain fluid and, in blatant contradiction of the Founders' explicit direction,<sup>30</sup> without securing the required authorization from Congress.<sup>31</sup> Again, he has done so without any

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<sup>27</sup> Steve Holland, Jeff Mason and Bo Erickson, "Trump discussing how to acquire Greenland, U.S. military always an option, White House says," Reuters, Jan. 6, 2026, <https://www.reuters.com/world/trump-advisers-discussing-options-acquiring-greenland-us-military-is-always-an-2026-01-06/>.

<sup>28</sup> Emma Burrows, Josh Boak, Daniel Niemann, "Trump announces a 10% tariff on 8 European countries for opposing U.S. control of Greenland," Associated Press (reported on PBS News Hour), Jan. 17, 2026, <https://www.pbs.org/newshour/world/trump-announces-a-10-tariff-on-8-european-countries-for-opposing-u-s-control-of-greenland>.

<sup>29</sup> Lauren Aratani and Andrew Roth, "Trump Walks Back Greenland Tariffs Threat Citing vague 'deal' over territory," The Guardian, Jan. 21, 2026, <https://www.theguardian.com/world/2026/jan/21/trump-framework-greenland-tariffs-threats>.

<sup>30</sup> United States Constitution, Art. I, Sec.8.

<sup>31</sup> David E. Sanger, Tyler Pager and Farnaz Fassihi, "Trump Threatens Iran with a 'Massive Armada' and Presses a Set of Demands," New York Times, Jan. 28, 2026, <https://www.nytimes.com/2026/01/28/us/politics/trump-iran-armada.html>; Aaron Boxerman, Tyler Pager, Farnaz Fassihi and Ronen Bergman, "U.S. and Israel Attack Iran, Threatening Broader Regional Conflict," New York Times, Mar. 1, 2026, <https://www.nytimes.com/live/2026/02/28/world/iran-strikes-trump>.

attack (or threatened attack) by Iran against the U.S., any Congressional declaration of war, or any claim to self-defense under the UN Charter.

It is a major violation of U.S. and international law to order an unprovoked military attack against a foreign nation that has neither attacked nor threatened the U.S. or its military forces. While the President initially claimed he wanted to protect Iranian civilians engaged in peaceful protests – something the Administration calls “domestic terrorism” if done in the U.S.<sup>32</sup> – he later abandoned that concern and stated that he would forego military action if Iran agreed to a new nuclear arms agreement similar to the Joint Comprehensive Plan of Action signed by the P-5+1, the European Union and the UN but repudiated by President Trump during his first Presidential term. Put simply, the threat to use force against a state as a bargaining chip in international negotiations is not only illegal but also a dangerous and irresponsible abuse of the power given to the President under our Constitution.<sup>33</sup>

It is the President who ordered the armed forces to invade Venezuela to seize its President and who then threatened to invade Greenland, a peaceful ally, to seize its territory. It is the President who threatened unlawful tariffs on EU members who resisted those invasion threats by supporting another NATO member. And it is the President who, without authority, not only threatened but actually launched a war against Iran.

### **III. UNDERMINING VOTING RIGHTS AND FREE AND FAIR ELECTIONS**

The President has accelerated his efforts to undermine the 2026 midterm elections, and free and fair elections in this country thereafter. In a podcast interview released February 2, the President called for Republican party officials to “take over” and “nationalize” voting procedures in use in fifteen largely Democratic states, in utter disregard of the Constitution’s direction that American elections be administered largely according to state law.<sup>34</sup> This unprecedented direction to a political party to wrest the mechanisms of our democratically administered election process from state and local officials confirms the President’s earlier pattern of actions seeking to disenfranchise American voters with whom he disagrees.

In late January, the President continued to pursue his efforts to compel states to turn over voter rolls and related election security information which is properly and confidentially held by state governments. Attorney General Bondi, effectively acting not on behalf of DOJ but as the President’s representative in areas outside her official responsibility, offered to withdraw ICE

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<sup>32</sup> Jonah E. Bromwich, “White House Use of “Domestic Terrorist” Doesn’t Match Legal Reality,” New York Times, Jan. 28, 2026, <https://www.nytimes.com/2026/01/28/us/trump-minnesota-protesters-domestic-terrorists.html>.

<sup>33</sup> Upon commencing the war against Iran, the President referenced as apparent justification actions by Iran dating back decades, and called for regime change, but failed to specify any particular goal to be achieved by the U.S. actions. See Tyler Pager, “Trump Calls For Overthrow of Iran’s Government,” New York Times, Feb. 28, 2026, <https://www.nytimes.com/2026/02/28/world/middleeast/trump-iran-strikes-video.html>.

<sup>34</sup> Reid J. Epstein and Nick Corasaniti, “Trump, in an escalation, Calls for Republicans to ‘Nationalize’ Elections,” New York Times, Feb. 2, 2026, <https://www.nytimes.com/2026/02/02/us/politics/trump-nationalize-elections.html>.

troops from Minnesota in exchange for that improperly requested voter information. That ransom request was rejected by Minnesota officials.<sup>35</sup>

In the same week, the FBI, acting on behalf of DOJ, executed a search warrant for the Fulton County, Georgia 2020 election records. The Attorney General took this action through an Acting US Attorney from Missouri one day after the sudden departure of the head of the FBI's Atlanta field office (the same office that had investigated Fulton County election results for the 2020 election and found no evidence of any material fraud or irregularities). The seizure of original, unredacted voter records and their transport to an undisclosed location was undertaken without regard to pending civil litigation seeking disclosure of copies of the relevant records properly redacted to conceal sensitive personal data of voters and securely maintained by Fulton County officials.<sup>36</sup>

In addition, the President personally dispatched the Director of National Intelligence, Tulsi Gabbard, to be present during the search and spoke by phone with both Gabbard and the line FBI agents then executing the search,<sup>37</sup> a highly irregular action that involved the President personally intervening in an ongoing DOJ criminal investigation, and undercut any pretense of independent action by the FBI or the Director of National Intelligence. In fact, Gabbard's participation, even without the President's involvement, appears to violate the statutory ban on domestic surveillance activities by the intelligence agencies under her supervision and is further evidence of the President's demand that his most senior appointees owe their loyalty to him personally rather than to the nation and Constitution they are sworn to defend.

#### **IV. CONTINUED ATTACKS ON JUDICIAL INDEPENDENCE**

As noted in our December Report, the President's broad actions to impose tariffs on imports from scores of other countries, based on an unfounded claim of "emergency," were found to be unconstitutional by the lower federal courts which considered the issue. That position was recently upheld by the U.S. Supreme Court in *Learning Resources, Inc. et al. v. Trump*.<sup>38</sup> In a statement immediately following the release of that ruling, the President personally disparaged the six Justices who had ruled against him, calling them "very unpatriotic and disloyal to our Constitution," and saying that they were an "embarrassment to their families."<sup>39</sup>

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<sup>35</sup> Julia Mueller, "Trump push for voter data ratchets up election interference concerns," The Hill, Jan. 28, 2026, <https://thehill.com/homenews/campaign/5708701-democrats-concerned-trump-voter-data/>.

<sup>36</sup> Interview of Sherri Allen, Fulton County Election Board Chair, on *Ana Cabrera Reports*, MSNOW, Feb. 3, 2026; Interview of Allen on *Velshi*, MSNOW, Jan. 31, 2026.

<sup>37</sup> Eric Tucker, "Gabbard says Trump requested her presence at FBI search of Georgia election center," Associated Press (reported on PBS News), Feb. 3, 2026, <https://www.pbs.org/newshour/politics/gabbard-says-trump-requested-her-presence-at-fbi-search-of-georgia-election-center>.

<sup>38</sup> *Learning Resources, Inc., et al. v. Trump*, Nos. 24-1287 & 25-250, --Sct--, Feb. 20, 2026.

<sup>39</sup> Brian Bennett, "'A Disgrace to Our Nation': Trump Delivers Blistering Attack on Supreme Court After Tariff Ruling," Time.com, Feb. 20, 2026, <https://time.com/7380123/donald-trump-supreme-court-tariffs-press-conference/>. The City Bar issued a statement condemning the President's attack, calling it a "dangerous assault on the

Further, as noted in a ruling by the Chief District Judge in Minnesota, the Department of Justice has repeatedly disregarded scores of rulings by the federal trial judges of the District of Minnesota. Chief Judge Patrick Schiltz responded to a claim by the U.S. Attorney that the Chief Judge's assertions of government noncompliance in immigration matters were "beyond the pale," stating:

"If anything is 'beyond the pale,' it is ICE's continued violation of the orders of this Court. Increasingly, this Court has had to resort to using the threat of civil contempt to force ICE to comply with orders. The Court is not aware of another occasion in the history of the United States in which a federal court has had to threaten contempt—again and again and again—to force the United States government to comply with court orders. This Court will continue to do whatever is required to protect the rule of law, including, if necessary, moving to the use of criminal contempt. One way or another, ICE will comply with this Court's orders."<sup>40</sup>

Other federal judges have increasingly voiced their frustration with the Administration's failure to follow their orders, particularly in immigration cases. For example, Judge Zahid N. Quraishi of the District of New Jersey issued an order on February 26, 2026 finding that DOJ lawyers had intentionally violated more than 70 orders issued by judges in that district, thereby frustrating efforts by the courts to protect detainees' rights.<sup>41</sup>

## **V. OTHER CONTINUING ABUSES**

In addition to the gross abuses of authority by the President and his agents in Minneapolis, in foreign relations, in undermining voting rights and free and fair elections, and in continued attacks on judicial independence, the President and his Administration have, within the past few weeks alone, taken other actions that have accelerated the threats to our nation's safety and commitment to Constitutional democracy. These include:

### **A. Undermining DOJ and FBI Independence**

The President has accelerated his assault on the independence of both the DOJ and the FBI by (1) continuing, despite federal court holdings, to insist that his invalidly designated and unqualified designees can serve as U.S. Attorneys in Virginia, New York, and elsewhere; (2) terminating, demoting or compelling resignations from long-term, non-political Assistant U.S. Attorneys and FBI agents who refuse to comply with Presidential orders to initiate investigations

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independence of the judiciary and on our constitutional system of separated powers." See <https://www.nycbar.org/press-releases/condemning-president-trumps-attacks-on-the-supreme-court/>.

<sup>40</sup> Supplemental Order, *Juan T.R. v Kristi Noem et al.*, No. 26-CV 0107 (PJS/DLM). Feb. 26, 2026.

<sup>41</sup> Jonah E. Bromwich, "Judge Says U.S. is Intentionally Violating the Law on Immigration," *New York Times*, Feb. 26, 2026, <https://www.nytimes.com/2026/02/26/nyregion/new-jersey-trump-immigration-federal-judge.html>.

or prosecutions without proper cause; and (3) instructing both DOJ and the FBI to carry out the President’s personal desire for “retribution” against political enemies.<sup>42</sup>

## **B. Punishing Free Speech**

In November 2025, Senator Mark Kelly and five other members of Congress, all of whom had served as active-duty military or intelligence agency professionals released a video in which they reminded current service members of a core principle that all U.S. military personnel are taught from the outset of their service: illegal orders from superior officers must not be obeyed. Senator Kelly and his colleagues believed it was important to remind active-duty service personnel of this fundamental principle of our armed forces because U.S. forces had already been ordered to carry out unlawful attacks on Venezuelan vessels and crew members.<sup>43</sup> Outraged by this correct statement of military law, the President labeled Senator Kelly and his colleagues “traitors” deserving execution and directed Secretary of Defense Pete Hegseth to take action against them. When he realized that he could not successfully court martial Senator Kelly or the others for correctly stating U.S. military law, Secretary Hegseth immediately reduced the retired Senator Kelly’s military rank, effectively depriving him of portions of his retirement pension as punishment for speaking out and as a warning to other retired and active-duty service personnel not to question even plainly illegal orders. The Department of Justice then sought to charge all six legislators criminally, but the grand jury declined to indict.<sup>44</sup>

On January 29, 2026, in another effort to punish public figures for criticizing the President’s policies, DOJ secured a criminal indictment against Don Lemon, a journalist and former CNN anchor, and Georgia Fort, another independent journalist, as well as seven other individuals, for attempting to report on a protest on January 18 in St. Paul at a church whose pastor worked for DHS. The indictments were secured after the federal magistrate court had refused to issue arrest warrants for the reporters, and after the DOJ had unsuccessfully attempted to overturn such refusals via “appealing” to the Chief Judge of the District Court and then purporting to seek a writ of mandamus against him for failing to calendar their application according to the government’s desired schedule.<sup>45</sup> The indictment charged the journalists, who were merely reporting on the protest, with conspiracy against, and interference with, the exercise of First Amendment rights of the worshippers then present.

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<sup>42</sup> E. Bazelon and R. Poser, “Vendetta is the Best Word for What They’re Doing: an Oral History of Kash Patel’s FBI,” *New York Times Magazine*, Feb. 1, 2026.

<sup>43</sup> The message from Senator Kelly and his colleagues was particularly necessary because Secretary of Defense Pete Hegseth had some months earlier abruptly fired, without cause, the three most senior Judge Advocates General in the armed forces and replaced them with acting designees with less ability, and less willingness, to advise the Secretary and senior commanders that an order from the Secretary or the President was unlawful and could not be obeyed.

<sup>44</sup> Alan Feuer, Glenn Thrush and Michael S. Schmidt, “Grand Jury Rebuffs Justice Dept. Attempt to Indict 6 Democrats in Congress,” *New York Times*, Feb. 10, 2026, <https://www.nytimes.com/2026/02/10/us/politics/trump-democrats-illegal-orders-pirro.html>.

<sup>45</sup> Letter of Jan. 23, 2026 from Hon. Patrick J. Schiltz, Chief U.S. District Judge (D. Minn.), to the Hon. Steven M. Colloton, Chief Judge, U.S. Court of Appeals for the 8<sup>th</sup> Circuit.

In the early morning hours of January 30, Georgia Fort was at home with her three children when approximately two dozen ICE and CBP officers displaying automatic rifles surrounded her home and forcibly took her into custody. At roughly the same pre-dawn hour, ICE agents raided the hotel in Los Angeles where Don Lemon was staying and took him into custody, despite his having offered to turn himself in.<sup>46</sup> The arrests and prosecutions of Lemon, a former CNN anchor, and Fort, an Emmy-award winner, are antithetical to the freedom of the press guaranteed by the First Amendment and foundational to our functioning democracy since its beginnings. The point of these criminal proceedings is less any expectation that they will succeed and more as a means to intimidate other independent journalists—particularly if they happen to be Black Americans like Lemon and Fort—to prevent them from reporting stories the Trump administration disfavors.

### **C. Jeopardizing Public Health and the Environment**

Further actions by the President and his Administration include his formally withdrawing the United States from the World Health Organization<sup>47</sup> and from both the Paris Agreement on Climate Change and the 1992 U.N. Framework Convention on Climate Change.<sup>48</sup> These actions jeopardize the long-term public health and our national security.

### **D. Suppressing History**

Shortly after January 21, 2026, National Park Service workers began removing, without notice, signs and exhibits depicting the lives of slaves who lived in George Washington’s President’s House in Philadelphia, an installation which that city and the National Park Service had jointly planned and created in 2010 as part of the city’s celebration of the nation’s founding. In defending the Trump Administration’s abrupt removal of the signage explaining slave life in the President’s House during George Washington’s first term as President, DOJ’s lawyer stated simply that “the government gets to choose the message it wants to convey.” Ultimately, the narratives on slavery were restored.<sup>49</sup> However, combined with the Trump Administration’s earlier efforts to censor exhibits at the Smithsonian Institution, this continuing effort to remove all reminders of slavery from American history was accurately characterized by U.S. District

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<sup>46</sup> *Ana Cabrera Reports*, MSNOW, Feb. 3, 2026.

<sup>47</sup> Presidential Actions, “Withdrawing the United States from the World Health Organization,” Jan. 20, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/withdrawing-the-united-states-from-the-worldhealth-organization/>.

<sup>48</sup> Lisa Friedman, “America Officially Leaves the Paris Climate Agreement. For the Second Time,” *New York Times*, Jan. 27, 2026, <https://www.nytimes.com/2026/01/27/climate/paris-climate-agreement-withdrawal.html>; Sara Schonhardt, “Trump quits pivotal 1992 climate treaty, in massive hit to global warming effort,” *Politico*, Jan. 7, 2026, <https://www.politico.com/news/2026/01/07/rubio-urges-trump-to-leave-unfccc-00487331>.

<sup>49</sup> Hannah Schoenbaum, “Trump Administration ordered to restore George Washington slavery exhibit it removed in Philadelphia,” *AP News*, Feb. 16, 2026, <https://apnews.com/article/george-washington-slavery-exhibit-restored-trump-2a32236320f280ba3e647d900c1301b4>.

Judge Cynthia Rufe as “horrifying” because it suggests that our nation’s history “changes on the whims of someone in charge.”<sup>50</sup>

In similar fashion the Administration removed the Pride Flag from the Stonewall National Monument, in derogation of its importance as a symbol of the civil rights struggle of LGBTQ people and without complying with applicable law.<sup>51</sup>

### **E. Racism as Presidential Policy**

In our December Report, we declined to characterize President Trump’s frequent racist comments as impeachable actions, at least when not accompanied by action. However, his recent comments have grown even more overt and are simply incompatible with a President who represents a large and diverse nation proud of its immigrant heritage and historically a beacon of freedom for those escaping tyranny and poverty. The President’s characterization of some American citizens and residents as “garbage” because of their Somali heritage<sup>52</sup> is strikingly close to the dehumanizing language that Nazi officials used to justify increasingly awful atrocities against human beings whose presence was seen as a threat to the state. Thus, it is no coincidence that ICE’s new racist recruiting materials<sup>53</sup> reflect the President’s own racist insults to Somali and other immigrants. Perhaps not surprisingly, these recruiting materials have been accompanied by ICE’s increasingly brazen conduct against Somali citizens<sup>54</sup> of all ages and status, without any connection to the “dangerous criminals” whom the President once pledged to deport. Repeated racist attacks by the President on Representative Ilhan Omar, a well-known American citizen, may well have contributed to the recent attack on her.<sup>55</sup>

President Trump’s renewed racist attacks on former President Barack Obama also reinforce the President’s clear message that people of African descent are unworthy of respect. The racist posting during Black History Month by the President of an image depicting President

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<sup>50</sup> Maryclaire Dale, “Judge calls Justice Department’s statements on slavery exhibit ‘dangerous’ and ‘horrifying,’” Associated Press (reported on 10 News), Jan. 30, 2026, <https://www.wsls.com/news/national/2026/01/30/judge-calls-justice-departments-statements-on-slavery-exhibit-display-dangerous-and-horrifying/>.

<sup>51</sup> Christopher Maag, “Pride Flag’s Removal From Stonewall Violated Federal Law, Suit says,” New York Times, Feb. 16, 2026, <https://www.nytimes.com/2026/02/17/nyregion/stonewall-pride-flag-lawsuit.html?searchResultPosition=3>.

<sup>52</sup> Zolan Kanno-Youngs and Shawn McCreesh, “Trump Calls Somalis ‘Garbage’ He doesn’t want in the Country,” New York Times, Dec. 2, 2025, <https://www.wsls.com/news/national/2026/01/30/judge-calls-justice-departments-statements-on-slavery-exhibit-display-dangerous-and-horrifying/>.

<sup>53</sup> Sasha Abramsky, “ICE Recruiters Are Using Neo-Nazi Memes and Seeking Out Extremists at Gun Shows,” Truthout, Jan. 22, 2026, <https://share.google/MWSUE0aBQdVh7woMB>; Caleb Kieffer, R.G. Cravens, “Homeland Security deploys White Nationalist, Anti-immigrant Graphics to Recruit,” SPLC Hatewatch, Aug. 28, 2025, <https://www.splcenter.org/resources/hatewatch/dhs-white-nationalist-anti-immigrant-social-media/>.

<sup>54</sup> See, e.g., Hamza Dudgeon, “ICE terrorized a mall in St. Cloud, too,” Minnesota Reformer, Jan. 20, 2026, <https://minnesotareformer.com/2026/01/20/ice-terrorized-a-mall-in-st-cloud-too/>.

<sup>55</sup> Ana Radelat, “Oversight chair Comer requests wide range of business documents from Ilhan Omar’s husband,” Minnesota Post, Feb. 5, 2026, <https://www.minnpost.com/national/washington/2026/02/oversight-chair-comer-requests-wide-range-of-business-documents-from-ilhan-omars-husband/>.

Obama and former First Lady Michelle Obama as apes—despite his deleting it hours later, after the White House defended him for sharing it—starkly demonstrates Trump’s unfitness to continue in office.<sup>56</sup>

Our nation should no longer simply accept these comments as “Trump being Trump.” The President is elected by, and expected to serve, all American citizens, and his overt and blatant use of racist tropes continuing to depict specific racial or ethnic groups as unworthy of respect by fellow citizens, or by the law, constitutes an extraordinary abuse of the Presidential office.

## VI. CONGRESS MUST NOW ACT

As noted above, Congress has a range of remedies it can and should impose in connection with the most recent abuses of power by the President and his Administration in Minneapolis, by the President in his conduct of international relations and by both the President and his appointees in the other accelerating abuses of office, all of which come on top of the many abuses described in our December Report. Many of these remedies can be pursued by Congress without regard to pending litigation and need not await action by the courts. Specifically, Congress should promptly consider and take the following actions with respect to these abuses of office by the President and his appointees:

### A. Suspend DHS Appropriations for ICE and CBP

The power of the purse remains Congress’s most important tool to remedy the broad-scale abuses by ICE and CBP reflected in Minneapolis and other cities. All funding for those two agencies should be withheld until such time as they have removed all personnel from Minnesota, Maine, Illinois and other states where their abusive practices have deprived both citizens and non-citizens of fundamental rights in their homes, in schools, in work places, in courts and in public spaces.<sup>57</sup> As we have previously urged,<sup>58</sup> ICE personnel should no longer be masked, be

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<sup>56</sup> Erica L. Green, Isabella Kwai and Zolan Kanno-Youngs, “‘I Didn’t Make A Mistake’: Trump Declines to Apologize for Racist Video of Obamas,” *New York Times*, Feb. 6, 2026, <https://www.nytimes.com/2026/02/06/us/politics/trump-obamas-video-apes-truth-social.html>; Melissa Quinn, “White House Removes Trump Post With Racist Footage of Obamas Hours After Defending It,” *CBS News*, Feb. 7, 2026, <https://www.cbsnews.com/news/trump-shares-racist-video-depicting-obamas-as-apes/>. After another of the protesters at the St. Paul church, Nekima Levy Armstrong, a lawyer and also a Black American, was arrested at her home, shackled and taken to the county jail, the Trump White House similarly posted on its website an altered photo falsely portraying Ms. Levy Armstrong in tears, disheveled and despairing and falsely accusing her of “orchestrating church riots in Minnesota.” See Erica Green, “‘They Couldn’t Break Me’: A Protester, the White House and a Doctored Photo,” *New York Times*, Feb. 3, 2026, <https://www.nytimes.com/2026/02/03/us/politics/nekima-levy-armstrong-minnesota-protest.html>.

<sup>57</sup> See, e.g., Jenna Russell and Sophie Park, “Maine’s Immigrant Students Stay Home as ICE Operation Ramps Up,” *New York Times*, Jan. 27, 2026, <https://www.nytimes.com/2026/01/27/us/maine-ice-immigrant-students.html?searchResultPosition=11>; Geoff King and Jill Castellano, “ICE Data Reveals What Happened to 1,600 People Arrested During Chicago’s Blitz,” *The Marshall Project*, Dec. 18, 2025, <https://www.themarshallproject.org/2025/12/18/ice-chicago-immigration-blitz-data>.

<sup>58</sup> “Statement on Wearing Masks by ICE Agents,” *New York City Bar Association*, Jun. 20, 2025, <https://www.nycbar.org/press-releases/statement-on-wearing-of-masks-by-ice-agents/?back=1>.

armed for combat or use unmarked vehicles. They should instead be equipped with body cameras and subject to meaningful discipline – including individual civil liability—to assure compliance with Constitutional and statutory requirements. The CBP must be legislatively barred from its current practice of detaining individuals on the basis of racial profiling and should be confined to their intended venue and role of protecting the border, not engaging in violence in U.S. cities and towns. If abuses continue, Congress should remove ICE from DHS entirely and place it under an independent Congressionally-approved overseer.

### **B. Appoint a Special Prosecutor to Investigate ICE and CBP Crimes**

Neither DOJ nor the FBI under President Trump can be trusted by the public to conduct thorough and independent investigations of the serious crimes committed by ICE and CBP agents in Minneapolis and other cities. (Nor, of course, can DHS conduct such investigations of its own agencies.) Congress has the authority to require appointment of an independent special prosecutor, (to be approved by Congress) with full subpoena authority, to investigate all potential criminal conduct by ICE, CBP, DHS and other federal agencies, including DOJ and the FBI, in connection with detention, removal and related practices (including policing of streets and public areas) by ICE and CBP since January 2025. All DHS and DOJ personnel, including the Attorney General and the Secretary of DHS, should be required to cooperate fully with that special prosecutor.

### **C. Targeted Impeachment of Responsible Cabinet Officers**

The Secretary of DHS and the Attorney General have both played central roles in misrepresenting and excusing the ICE and CBP abuses described in this report and, in the case of the Attorney General and the Director of the FBI, in overseeing or directly participating in the violation of individual rights and undermining of their own departments' professional independence. They have clearly done so at the behest of the President, but they are also responsible for their own abuses of the offices they hold. Unless those officers resign, the House of Representatives should initiate impeachment proceedings against Pamela Bondi, the Attorney General, and, if further investigation warrants, Kash Patel, the Director of the FBI.

### **D. Presidential Impeachment**

We urge the House of Representatives to invoke the impeachment process against President Trump in accordance with Article II, Section 4 of the Constitution. In our December Report, we concluded that the panoply of grave abuses of Presidential authority by President Trump “fit squarely within the Constitutional standard for impeachment” but noted that Congress might first choose to pursue other remedies for the abuses described in that Report. It is now clear that the President’s abuse of his office has only accelerated, both at home and abroad, and that he and his appointees will, if permitted, continue to undermine our nation’s fundamental rights and institutions, and to jeopardize the health, safety and security of the American people. It is also clear that the lesser Congressional sanctions of censure, special counsel, legislative restrictions on the use of funds or removal of subordinates, while important, will not alone deter President Trump from believing, and acting, as if he is beyond the reach of any restraint or accountability. Accordingly, while the impeachment process necessarily involves deliberative

steps, including bipartisan committee action, we feel it is essential that Congress invoke all its available remedies, those mentioned above as well as impeachment, without delay.

Under Article II, Section 4 of the Constitution there is no doubt that Congress has the power to protect the nation's democracy and rule of law by removing a President who has demonstrated an accelerating pattern of "high crimes and misdemeanors" by egregious abuse of his office. The time has come for Congress to use that Constitutional authority and, by so doing, insist that even our President – especially our President – must not so gravely abuse the powers entrusted to him by the citizens of our nation.

## **VII. CALL TO ACTION**

We call upon our fellow members of the bar, and the public to raise their voices and insist that Congress promptly fulfill its constitutional duties and exercise the full extent of its powers, including impeachment, to remedy the abuses described above and ensure that such offenses are never again committed by a President of the United States.

March 2026