

## DHS comes for Congress

As you may know, the Trump administration is [threatening to bring charges](#) against members of Congress who engaged in congressional oversight of an immigrant detention facility in New Jersey on Friday—and has already arrested and charged Mayor Ras Baraka. We write to share facts, as gathered by the ACLU of New Jersey and their partner organizations. We urge all members of Congress to issue statements calling on the administration to abandon its threatened actions against members of Congress.

The key facts are:

- Federal officials arrested the mayor of New Jersey's largest city for "trespassing" when he was *outside* a detention facility
- They are now threatening to bring charges against the three members of Congress who toured the facility and were there to visit constituents—saying Saturday, "[there will be more arrests coming](#)"
- This unprecedented attack on congressional oversight is designed to chill and punish elected officials who disagree with the Trump administration's agenda.

### In Detail: Delaney Hall and the events of Friday May 9<sup>th</sup>:

On Friday, Congresswoman Bonnie Watson Coleman, Congressman Robert Menendez, and Congresswoman LaMonica McIver visited the Delaney Hall immigration detention facility in Newark, New Jersey to exercise their statutorily-mandated oversight authority. The Department of Homeland Security (DHS) announced it would be reopening the shuttered facility, Delaney Hall, back in February but only officially opened it and started detaining immigrants there [last week](#). This facility is run by the private prison company, Geo Group. Community groups and local and state officials had raised concerns about the safety of the facility, and Mayor Baraka also [said](#) that he was not given official notice of the opening and that fire inspectors were not given access to the facility.

On Friday afternoon, Representatives Watson Coleman, McIver, and Menendez requested access to Delaney Hall to tour the facility. Mayor Baraka and many community groups also went to Delaney Hall at the time of the visit. ICE officers appear to have initially allowed Mayor Baraka into the fenced area of the facility, but at around 2:30, they ordered the mayor to leave. Witnesses say around 10 agents, wearing a mixture of ICE Police and ICE HSI jackets, surrounded the mayor—with 10-20 more waiting nearby; many of the agents had their faces covered, according to media footage. The members of Congress, who were inside the gate and nearby, asked what was happening, and ICE officers insisted that the mayor leave the gated area, which he did. Several minutes later, however, ICE agents came out of the gated area and swarmed around the mayor, dragging him back into the facility space, and then arrested him. When members of Congress—who had come out of the facility to see what was happening—then tried to follow the mayor, video footage indicates that ICE used force to restrain and block them. ICE subsequently did allow the members of Congress, who had been waiting for around two hours, into the facility for a tour.

Mayor Baraka was released later that evening; his next hearing for the trespass charges is this Thursday, May 15, 2025.

### What does it mean: A Pattern of Intimidation

ICE's decision to arrest Mayor Baraka and its attempt to intimidate and even use force against members of Congress should be chilling to all of us. These public officials were just doing their job—to bring transparency and oversight to taxpayer-funded facilities where vulnerable immigrants are detained. It appears that *because* these public officials were doing their job to bring accountability to ICE, DHS is using

pretextual charges to criminalize their work and silence them. The message is clear: if you question this administration's policies and conduct, it will come after you.

As Rep. McIver [said](#) in an interview, "If they can treat three members of Congress like that, just imagine how they can treat people on the street each and every day." Rep. Watson Coleman, on CNN's [State of the Union](#) today, [added](#):

If they can do this to three federally elected officials with the authority to come and do their job, and they can then also lock up the mayor of the largest city in the state of New Jersey, who is on public property, I understand the fear that I keep getting information on . . . People just are afraid of this un-American hyperactivity, this weaponization of law enforcement and the consistent lying at all levels to try to cover up for the wrong and the unlawful activities that ICE did on that day.

Rep. Menendez told MSNBC that "[no one should feel safe](#)" as the second Trump administration seeks to use law enforcement to "intimidate" critics. "This is a pattern," he said. "It's judges — federal judges who they disagree with their decision. It's mayors, it's now members of Congress."

DHS's threats against members of Congress are part of a pattern but also a serious escalation in this administration's abuse of power.

### **Suggested Actions for the Hill and Talking Points**

We thank the many offices who have put out statements and raised alarm about this still-unfolding situation. With DHS threatening to charge your colleagues for doing their job, we urge all offices to put out statements condemning ICE's conduct at Delaney Hall on Friday and reminding DHS that federal officials have a right to conduct oversight and should not be punished for so doing. We also continue to urge members of Congress to visit detention centers around the country to which your constituents and their relatives are being sent—facilities where people have almost no access to phones, lawyers, relatives, quality medical care, and other necessary services.

For the current situation, we suggest the following key talking points and themes:

- **The administration should abandon its threats against members of Congress and Mayor Baraka, who are facing retaliation from this administration simply for doing their job.**
  - Congressional oversight is a key tool to uncovering abusive immigration detention conditions. Transparency and accountability are essential when the government detains our neighbors; ICE should not be obstructing our officials from doing their job to investigate these facilities and protect their constituents.
  - Members of Congress were simply doing their jobs and ensuring that the conditions in these taxpayer-funded facilities comply with our laws and protect the safety and well-being of those detained there.
  - If Trump's immigration police force can target officials and use violence against elected representatives for doing their job, what does this say about this administration's respect for the law, or how any of us might be treated.

- **What Mayor Baraka and the members of Congress were doing—conducting oversight—is normal. DHS’s aggressive response is not.**
  - The arrest of Mayor Ras Baraka and alleged violence against the members of the New Jersey congressional delegation is a shameful escalation of the Trump administration’s campaign against those who don’t do their bidding.
  - Our local, state and federal officials have a responsibility to ensure that community members are safe, and that their rights are respected; they should not be barred or punished from carrying out these responsibilities.
  - DHS has threatened to arrest these members of Congress, further escalating this intimidation campaign. In America, we do not target and arrest political opponents for speaking out against abusive policies.
- **The administration is trying to make an example of these elected representatives—and if they get away with it, the consequences for all of us could be severe.**
  - President Trump has spent the first months of his administration threatening anyone who has spoken against him or his policies. He has used the power of his office to target judges, private law firms, public interest firms, nonprofits, individual lawyers, students, professors and, now, a mayor. None of these events have occurred in a silo. They are all part of the Trump administration’s campaign of intimidation. Anyone who does not toe the line is under threat – and faces possible arrest.
  - DHS’s treatment of elected officials—in New Jersey’s largest city, in front of community members and the media—shows why oversight is so critical. If this is what the administration is doing when people are watching, how is it treating vulnerable people without political power or a platform, behind closed doors?
  - This is abuse of power, pure and simple, and we cannot allow this administration to punish our representatives when they question its actions.

If you have further questions, please contact Naureen Shah, Director of Policy and Government Affairs on Immigration ([nshah@aclu.org](mailto:nshah@aclu.org)) or me.

Thank you,

Sarah

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