UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

Plaintiff,

v. Case No. 26-cv-1293

CITY OF MILWAUKEE,

Defendant.

***AMICUS CURIAE* BRIEF OF THE WISCONSIN COUNCIL OF CHURCHES, INC. IN OPPOSITION TO PLAINTIFF UNITED STATES' MOTION FOR A PRELIMINARY INJUNCTION AND MOTION FOR JUDGMENT ON THE PLEADINGS**

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INTEREST OF *AMICUS CURIAE*

Amicus curiae the Wisconsin Council of Churches, Inc. is an ecumenical body composed of member denominations and congregations across the state of Wisconsin. The Council connects twenty-three Christian denominations, which together comprise 2,000 congregations and over one million church members. The Council helps its members work toward peacemaking, social and economic justice for Wisconsin's most vulnerable residents, the vitality of the church, and the wellbeing of its neighbors.

As part of that work, the Council assists and advocates for immigrants. Council congregations routinely host immigration legal aid clinics and lead initiatives that provide sanctuary and refugee support programs. The Council hosts trainings and provides informational resources for immigrants and allies, participates in public actions to speak out for immigrants' rights, and invites members to advocate for policy changes that make their communities safer for immigrants. For instance, the Council has participated in the "Day Without Immigrants" marches in Milwaukee and Madison, distributed resources about what to do when ICE shows up, held Know Your Rights trainings, and urged members to contact their sheriffs to end 287(g) agreements.[1]

The Council's commitment to immigration work comes from its belief that caring for immigrants and refugees is, at its heart, faith work. The Bible tells stories of people on the move, propelled by the actions of empires. The Old Testament calls on its followers to welcome foreigners, to not mistreat or oppress them, and to love them as God loves them.[2] And from the

[1] The Wisconsin Council of Churches, Immigration, https://perma.cc/BFT3-VS94.

[2] Leviticus 19:33-34; Exodus 22:21; Deuteronomy 10:18.

New Testament, Christians are reminded by Jesus that welcoming and caring for a stranger is welcoming and caring for the Lord.[3]

The Council is also deeply committed to nonviolence and civil rights, drawing on Jesus' teaching that "[a]ll who take the sword will perish by the sword"[4] and Jesus' emphasis on the dignity of all people.

Because this case concerns important questions regarding law enforcement's treatment of civilians—especially immigrants—proper resolution of the matter is of significant concern to the Council.

INTRODUCTION

In the wake of unprecedented federal immigration enforcement in Chicago and Minneapolis, the Milwaukee Common Council sought to protect Milwaukee residents against ambushes by armed, masked, and unidentified law enforcement agents.[5] To that end, the Common Council passed an ordinance prohibiting all law enforcement from wearing face coverings while interacting with the public in the performance of their duties.[6] The ordinance also requires that all law enforcement officers either display on their uniforms the name of their agency and the officer's last name, badge number, or identification number or verbally provide this information upon

[3] Matthew 25:35.

[4] Matthew 26:52.

[5] Milwaukee, Wis., Public Safety Code § 105-140 (2026).

[6] § 150-140(4).

request.[7] Undercover officers and special weapons and tactics team officers are exempt from the requirements.[8]

The Wisconsin Council of Churches welcomed this ordinance. Council members watched with trepidation as masked immigration officers terrorized the two biggest cities in Wisconsin's neighboring states of Illinois and Minnesota. Indeed, Council members worry that, absent the challenged ordinance, Milwaukee is at risk of becoming the next Chicago or Minneapolis, where ICE officers' refusal to show their faces escalated violence, created a climate of fear, and gave officers a sense of impunity.

Amicus has a strong interest in preventing the scenes that played out in Chicago and Minneapolis from playing out in Milwaukee. For that reason, it uses this brief to explain to the Court why avoiding a replay of Operation Midway Blitz or Operation Metro Surge (ICE's enforcement campaigns in Chicago and Minneapolis, respectively) is in the public interest and why the Court should therefore deny the United States' requested preliminary injunction and permanent injunction.

ARGUMENT

In deciding whether to grant an injunction, the Court examines the impact of an injunction on the public interest, which means the "interests of people and institutions that are not parties to the case."[9] Here, granting the federal government's requests for preliminary and/or permanent injunctive relief would inflict concrete harms on *amicus*'s members by permitting federal

[7] § 150-140(5).

[8] § 150-140(6)(b-1)–(b-2).

[9] *Cassell v. Snyders*, 990 F.3d 539, 545 (7th Cir. 2021).

immigration enforcement to continue acting under conditions of anonymity, unaccountability, and escalating violence.

The federal government's recent practice of deploying masked, unidentifiable, and heavily armed agents into American cities is unprecedented. *Amicus* underscores how this anonymity has engendered confusion and fear, diminished public safety by increasing dangerous and violent encounters and inviting distrust of law enforcement and criminal impersonation, and left residents with limited ability to seek redress when their rights are violated. For the reasons provided below, and those offered by Defendant City of Milwaukee, the Government's requests for a preliminary injunction, Dkt. 4, and permanent injunction, Dkt. 35 at 15–17, should be denied.

I. Ambushes by masked and unidentified agents—indistinguishable from kidnappings—escalate the risk of violence.

In the past year, residents of Chicago and Minneapolis have been subjected to violent immigration enforcement and violent crackdowns on protests.[10] Though officer violence has come in different iterations, community members' stories share a theme: groups of masked officers descending on them, often out of unmarked cars, and refusing to share any identifying information about themselves. For instance:

- In Chicago, U.S. citizen Ernesto Diaz was walking to the subway, earbuds in and listening to music, when a vehicle pulled up alongside him, and more than half a dozen masked federal agents descended on him and pinned him against a vehicle. They did not tell him their names or badge numbers, so Diaz worried they might not be real agents.[11]

[10] Because *amicus* has a particular focus on immigrants' rights, the focus of this brief is specifically about the harm caused by immigration agents; however, Milwaukee Ordinance § 105–140 applies to all law enforcement agents state and federal. The law enforcement tactics the ordinance addresses can create the same level of harm regardless of the agency involved.

[11] Laura Rodríguez Presa, *et al.*, *Latino US citizens racially profiled by federal immigration agents in Chicago: 'I felt like a piece of trash*,' Chicago Tribune (Nov. 15, 2025),

- In Minneapolis, U.S. citizen Aliya Rahman was driving to a medical appointment when a masked agent smashed her passenger side window in, while other agents cut her seatbelt and dragged her out of the car.[12]
- In Chicago, masked and armed agents pulled up next to a mother and daughter on their way to the grocery store, emerged from an unmarked van and forcefully moved the two into the van.[13]

These are just a few of the countless examples of masked agents using force on civilians while refusing to identify themselves.[14] These incidents are often indistinguishable from kidnappings. For that reason, they exacerbate dangers to people subjected to enforcement, bystanders, and law enforcement alike.

People subjected to enforcement—believing they are facing a kidnapping or a possible vigilante attack—may attempt to flee or defend themselves because they do not know they are dealing with immigration agents.[15] This was especially prevalent during the federal governments'

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https://www.chicagotribune.com/2025/11/15/latino-us-citizens-racially-profiled-immigration-chicago/ (last visited Oct. 28, 2026).

[12] Safiyah Riddle, *et al.*, *Federal immigration agents filmed dragging a woman from her car in Minneapolis*, Yahoo! News (Jan. 15, 2026), https://www.yahoo.com/news/articles/federal-immigration-agents-filmed-dragging-004520298.html?guccounter=1 (last visited Oct. 28, 2026).

[13] Francia Garcia Hernandez & Madison Savedra, *A year after Operation Midway Blitz, Chicagoans are still picking up the pieces*, Block Club Chicago (Sept. 9, 2026), https://perma.cc/FJU8-3JVY.

[14] *See also, e.g.*, Amended Complaint ¶¶ 185–94, *Tincher v. Noem*, No. 25-cv-4669-KMM-DTS (D. Minn. Feb. 13, 2026), Dkt. 136 (hereinafter "*Tincher v. Noem* Am. Compl.") (describing masked agents boxing in a couple with their unmarked vehicles, pointing guns at them, and telling them, "We have your license plate, we know where to find you."); Wil Croxton, *How a collision with Border Patrol led to a Chicago woman's arrest*, CBS News (Jan. 27, 2026), https://perma.cc/CR6L-NMZ4 (describing masked CBP agents sideswiping a woman's car, demanding she get out, and pulling her out when she refused).

[15] J. David McSwane & Hannah Allam, *Unfettered and Unaccountable: How Trump is Building a Violent, Shadowy Federal Police Force*, ProPublica (Oct. 18, 2025), https://perma.cc/2PR3-L6V9 (describing six

occupation of cities in southern California. For instance, a Los Angeles man who had heard of masked vigilantes abducting community members attempted to flee when masked and armed men—who turned out to be immigration agents—ambushed him at a bus stop.[16] In Santa Ana, a woman calling emergency services to report what she described as a kidnapping (but was in fact an abduction by federal agents) asked, "Should we just run from them?"[17]

Good Samaritans may also attempt to intervene at their own peril. When a Los Angeles pastor attempted to communicate with a man being detained by men wearing neck gaiters, hats, and sunglasses and refusing to identify themselves, one of the unidentified men pointed a gun at her.[18]

Finally, masked ambushes exacerbate dangers to law enforcement as well. Bystanders, unaware that they are observing government agents, may call local police to intervene in what they believe is a kidnapping, placing officers in the line of fire.[19] For example, during Operation Metro Surge in Minneapolis, police had to respond to calls from concerned citizens who had seen individuals being kidnapped by unidentified people—people who turned out to be ICE officers.[20]

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calls to emergency services in Santa Ana, California, in which callers described what they were seeing as kidnappings, even though the incidents turned out to be abductions by federal officers).

[16] *See*, *e.g.*, First Amended Complaint ¶ 125, *Vasquez Perdomo v. Noem*, No. 25-cv-05605 (C.D. Cal. July 2, 2025), Dkt. 16 (hereinafter "*Vasquez Perdomo* Am. Compl.").

[17] McSwane & Allam, *supra* note 15.

[18] *See, e.g.*, *Vasquez Perdomo* Am. Compl. ¶ 58; *see also* Billal Rahman, *ICE Agents' Mask Culture Shift Risks Street Violence: Obama's ICE Chief*, Newsweek (June 9, 2025), https://www.newsweek.com/ice-agent-fear-violence-obama-immigration-john-sandweg-208270 (last visited Nov. 13, 2026) (reporting that former Acting Director of ICE John Sandweg warned that masked agents "create[] a risk of bystanders . . . rushing in to help, which could create the risk of violence or harm caused to the bystanders").

[19] McSwane & Allam, *supra* note 15 (noting that Santa Ana emergency services received multiple calls from people describing what turned out to be abductions by federal agents as kidnappings).

[20] *See* Complaint ¶ 110, *Minnesota v. Noem*, No. 26-cv-00190 (D. Minn. Jan. 12, 2026), Dkt. 1.

When local law enforcement arrives without knowing if they are interacting with vigilantes or with federal law enforcement, they risk being attacked by federal agents.[21]

II. Masked and unidentified law enforcement raids create a climate of fear, eviscerating trust in law enforcement and creating opportunities for impersonators.

When communities witness their family members, friends, and neighbors taken away by masked and unidentified law enforcement officers, they lose faith that law enforcement will protect them. Instead, they learn to live in fear of law enforcement. For instance, during Operation Midway Blitz and Operation Metro Surge, many residents of Chicago and Minneapolis were afraid to leave their homes to buy necessities, work, attend church or school, go to doctor's appointments, or even show up at immigration hearings.[22] That fear remains to this day, almost a full year later.[23]

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[21] *See* Center for American Progress, *Masked and Unidentifiable: The Risks of Federal Law Enforcement Operating Without Identification* (Aug. 28, 2025), https://perma.cc/T82A-5Z36.

[22] *See* Maanvi Singh, *The Minnesotans trapped at home, too terrified of ICE to go outside: 'Our house is like a jail,'* The Guardian (Feb. 9, 2026), https://www.yahoo.com/news/articles/minnesotans-trapped-home-too-terrified-130017445.html (last visited Nov. 13, 2026); Arceli Gómez-Aldana & Michael Puente, *Operation Midway Blitz fallout still being felt in Chicago's Latino neighborhoods*, WBEZ Chicago (Feb. 20, 2026), https://www.wbez.org/immigration/2026/02/20/operation-midway-blitz-effects-latino-neighborhoods-pilsen-little-village-southeast-side (last visited Nov. 13, 2026) (quoting a mother who said she is scared to go out for groceries and take her children to school); Lauren FitzPatrick & Adriana Cardona-Maguidad, *Chaotic, crowded Chicago immigration mega court hearings are fueling record deportation orders*, WBEZ Chicago (July 24, 2026), https://www.wbez.org/immigration/2026/07/24/chaotic-crowded-chicago-immigration-mega-court-hearings-are-fueling-record-deportation-orders (last visited Nov. 13, 2026) (reporting that, in part because of fear of being arrested at immigration proceedings, "[i]n June, for the first time since 2019, more people were found to have missed court in Chicago than showed up"); Tim Sullivan & Claire Rush, *Doctors in Minnesota decry fear and chaos amid Trump administration's immigration crackdown*, Associated Press (Jan. 20, 2026), https://apnews.com/article/immigration-minneapolis-trump-crackdown-7ed3b62246d19ff4e6c5be8813415a83 (last visited Nov. 13, 2026) (describing patients too afraid to go to medical appointments, including a pregnant woman who labored at home and a diabetic too afraid to pick up his insulin).

[23] Alma Campos, *Fearing ICE, some Chicago immigrants shift work, daily life to nighttime hours*, Chicago Sun-Times (Oct. 21, 2026), https://perma.cc/8UWH-ASHS (noting immigrants have started to go to the grocery store and the laundromat at night out of fear that they are more likely to be detained by ICE during the day).

That mistrust of law enforcement is not then limited to federal immigration agents. It extends to all law enforcement, including local police and sheriffs, who rely on the community to report crimes and cannot do their jobs when they lose the community's trust. Masked and roving officers create a particularly tenuous situation in cities like Milwaukee, where the 2014 police shooting of Dontre Hamilton, the 2016 police shooting of Sylville Smith, and the Milwaukee Police Department's stop-and-frisk practices significantly undermined community trust in law enforcement.[24] Because of those events, the Milwaukee Police Department cannot afford to lose any remaining trust the community has placed in them.

Masked and unidentified agents performing indiscriminate raids also make it possible for people engaged in vigilantism and crime to take advantage of the confusion. Criminals impersonating ICE agents have sexually assaulted, robbed, and kidnapped victims.[25] Indeed, the federal government itself has warned that impersonation is a consequence of masked officers. In 2025, the FBI reported five incidents involving fake immigration officers and urged "law enforcement personnel [to] adequality [sic] identify themselves during operations and cooperate

[24] John Diedrich & Tamia Fowlkes, *Milwaukee police killed Dontre Hamilton 10 years ago. His family continues to push for change.*, Milwaukee Journal Sentinel (Apr. 27, 2024), https://www.jsonline.com/story/news/local/2024/04/27/dontre-hamilton-was-killed-by-a-milwaukee-police-a-decade-ago/73473736007/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epti=z115427e1182xxv115427d--60--b--60--&gca-ft=173&gca-ds=sophi (last visited Nov. 13, 2026); Bridget Fogarty, *10 years after Sylville Smith killing, healing continues in Sherman Park*, Milwaukee Journal Sentinel (Aug. 17, 2026), https://www.jsonline.com/story/news/local/milwaukee/2026/08/17/10-years-after-sylville-smith-killing-sherman-park-healing-continues/91288417007/?gnt-cfr=1&gca-cat=p&gca-uir=true&gca-epti=z116627p116050l115850c116050e1101xxv116627d--62--b--62--&gca-ft=202&gca-ds=sophi (last visited Nov. 13, 2026); Patrick Jarenwattananon, *Milwaukee Council OKs $3.4 Million Settlement Of Police Stop-And-Frisk Lawsuit*, National Public Radio (July 11, 2018), https://www.npr.org/2018/07/11/628020991/milwaukee-council-oks-3-4-million-settlement-of-police-stop-and-frisk-lawsuit (last visited Nov. 13, 2026).

[25] Jose Olivares & Lisa Dsjardins, *Rise of ICE agents wearing masks creates opportunity for imposters to conduct crimes*, PBS News Hour (July 7, 2025), https://perma.cc/B74E-ZTBC.

with individuals who request further verification."[26] And then-Acting ICE Director Todd Lyons said that he was "not a proponent of the masks" and that criminal impersonation was "one of our biggest concerns."[27]

Simply put, law enforcement masking creates a threat to public safety: it undermines trust in law enforcement (thus decreasing crime reporting) and creates opportunities for vigilantes—opportunities that do not exist when law enforcement show their faces and identify themselves.

III. Law enforcement anonymity curtails the ability of victims of constitutional violations to seek redress and gives officers a sense of impunity.

Finally, the Council is deeply disturbed by hundreds of reports of constitutional violations by federal agents for which individuals have had extreme difficulty seeking relief because of the anonymity of the law enforcement personnel. Without knowing officers' names, badge numbers, or agency affiliation, victims cannot identify responsible parties or pursue legal remedies when their rights have been violated. And even when victims are able to later pursue legal remedies—often because of intrepid reporting identifying such officers—the anonymity that masking facilitates has already instilled those officers with a sense of impunity.

The scenes that played out in Chicago and Minneapolis are a testament to that: masked and unidentified federal officers threw people to the ground, detained entire apartment buildings, ziptied children, and refused medical attention for officer-caused injuries.[28] They even shot and killed people.

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[26] Dell Cameron & Caroline Haskins, *FBI Warns of Criminals Posing as ICE, Urges Agents to ID Themselves*, Wired (Nov. 4, 2025), https://perma.cc/C9Q3-PETM.

[27] Camilo Montoya-Galvez, *ICE head says he won't block agents from wearing masks, confirms use of Medicaid data*, CBS News (July 18, 2025), https://perma.cc/GC5A-3MT7.

[28] *Tincher v. Noem* Am. Compl. ¶¶ 229–40 (describing two people thrown to the ground by masked, plain clothes agents and noting that agents knelt on one person's back for 30 minutes in the snow); *People detained during immigration enforcement operation at South Shore Building*, CBS Chicago (Sept. 30,

Few, if any, of them have faced repercussions. Indeed, many of their identities are still unknown. A year after an ICE officer shot and killed Silverio Villegas Gonzalez, for instance, the federal government still has not released the officer's name.[29] And the identity of the ICE officer who shot and killed Renee Good is known only because of *Minnesota Star Tribune* investigative reporters who dug into court records in a separate case.[30] In fact, DHS refused to verify the officer's identity when the *Star Tribune* reached out for comment and instead demanded that the paper retract the story.[31]

The same is true for Alex Pretti's killers, whose identities DHS withheld not only from the public, but from Congress. To this day, DHS has not released their names. Their identities are only known because *ProPublica* obtained access to internal government documents naming them.[32]

The environment created by Plaintiff and its law enforcement agencies fosters impunity. Reports indicate that federal immigration officers face little risk of investigation for their actions,

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2025), https://www.youtube.com/watch?v=XrQYg8UYdRI (last visited Nov. 13, 2026) (video footage of raid showing masked officers in SWAT gear and quoting a resident saying that a baby was brought out of the building naked and the mother was denied the opportunity to clothe her child); Rebekah Riess, Bill Kirkos, *37 people arrested and American kids separated from parents after ICE raid at Chicago apartment*, CNN (Oct. 3, 2025), https://www.cnn.com/2025/10/03/us/chicago-apartment-ice-raid (last visited Nov. 13, 2026) (quoting a neighbor who saw crying children zip tied to each other); Declaration of [Name Redacted] ¶¶ 6–9, *Tincher v. Noem*, No. 25-cv-4669-KMM-DTS (D. Minn. Jan. 24, 2026), Dkt. 109 (declaration of physician who attempted to administer CPR to Alex Pretti but was initially blocked from doing so).

[29] Alma Campos, *et al.*, *A year of silence follows ICE killing of Silverio Villegas González despite calls for justice*, WBEZ (Sept. 11, 2026), https://www.wbez.org/bearing-the-blitz/2026/09/11/ice-shooting-silverio-villegas-gonzalez-chicago-franklin-park (last visited Nov. 13, 2026).

[30] Liz Sawyer, *et al.*, *ICE agent who fatally shot woman in Minneapolis was dragged by car in earlier incident*, Minnesota Star Tribune (Jan. 8, 2026), https://www.startribune.com/ice-agent-who-fatally-shot-woman-in-minneapolis-is-identified/601560214 (last visited Nov. 13, 2026).

[31] *Id.*

[32] J. David McSwane, *Two CBP Agents Identified in Alex Pretti Shooting*, ProPublica (Feb. 1, 2026), https://perma.cc/7JPE-NMYE.

a perception reinforced by public statements from senior Administration officials.[33] The President himself has confirmed this, telling reporters that law enforcement is "allowed to do whatever the hell they want" when interacting with the public.[34]

In fact, the federal government is, to this day, trying to prevent *other* law enforcement from holding ICE agents accountable. In Minneapolis, the federal government is refusing to share evidence in its investigation of the murders of Renee Good and Alex Pretti with state officials.[35] This is *after* a court barred the government from withholding evidence.

No wonder agents are behaving as though it is unlikely that they will be held accountable for violating individuals' rights. It *is* unlikely when agents are given carte blanche to violate constitutional rights and individuals cannot identify the officers responsible.

Although the challenged Ordinance will not prevent constitutional violations from occurring, it will restore a minimum level of accountability and make meaningful judicial review possible, thereby deterring unlawful conduct.

CONCLUSION

For the reasons above, *amicus curiae* respectfully requests that this Court deny Plaintiff's requested relief of a preliminary injunction and permanent injunction.

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[33] *See, e.g.*, McSwane & Allam, *supra* note 15.

[34] WTVC NewsChannel 9, LIVE: President Trump addresses the federal crackdown on crime in Washington, D.C. at 26:05 (YouTube, Aug. 11, 2025), https://www.youtube.com/watch?v=4zbl7xCda9g (last visited Nov. 13, 2026).

[35] Hannah Schoenbaum, *Trump administration stopped sharing evidence in Good and Pretti killings, Minnesota officials say*, Associated Press (Oct. 22, 2026), https://apnews.com/article/renee-good-alex-pretti-evidence-immigration-d18378b40675bb107f9c2d519c2b9853.

Respectfully submitted,

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