

**CQ Congressional Transcripts**

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# Senate Homeland Security and Governmental Affairs Committee Holds Hearing on ICE, Customs, Citizenship and Immigration

## LIST OF PANEL MEMBERS

RAND PAUL:

Today, we will examine how immigration policy is carried out at the federal, state and local levels in Minnesota and across the country.

We're going to examine whether failures of coordination or communication contributed to the events that followed. Anytime an American citizen is shot in the streets of this country, it's a tragedy.

That's true whether the individual is a private citizen exercising their constitutional rights or a law enforcement officer performing official duties. Loss of life demands scrutiny, not spin. In Minnesota, sharply conflicting accounts have emerged, so we want to get to the truth today. State and local officials tell one story.

Federal officials tell another story. Depending on the media source, the public may hear only one side. The hearing today, though, is to evaluate the facts and not to defend any one particular narrative. We will hear from two panels. First, leaders from Minnesota will describe



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 n the ground, the level of cooperation with federal authorities and how tensions escalated.



Second, leaders from CBP and ICE will explain the challenges of conducting enforcement operations under intense public scrutiny. We've also heard repeated claims that Minnesota or Minneapolis in particular is a so-called sanctuary jurisdiction. That term is often loosely applied and means different things to different people.

But we want to explore what that means and whether it's part of the problem today. State and local officials dispute that the characterization federal officials cite limits on the cooperation. Not every state operates this way. We don't seem to have this tension or problem between state and federal government in other states.

Why? We need to understand what cooperation actually looks like in Minnesota and how it can be better. We need to look where communication has failed and we need to determine whether this was a failure of policy, coordination or leadership on one side or both sides. In a free society, filming government officials in public is a constitutional right.

It's not an act of aggression. Americans are led to believe -- excuse me, in the back. And we -- Americans are led to believe that exercising the right, uh, the right of being there and protesting shouldn't place them at the risk of lethal force. If it does, public trust collapses. At the same time, federal officials made public statements implying that firearms are prohibited at protests.

Those statements were later clarified, but they're erroneous and not helpful. The First and Second Amendment are not suspended during periods of unrest or during protests. When officials speak imprecisely or rationally about constitutional limits, especially in volatile moments, they risk inflaming the situation rather than stabilizing it.

Law enforcement officers perform difficult and dangerous work and the vast majority do so honorably.

But when a shooting occurs, the proper response is not to dismiss concerns or rush to judgment. Traditionally, the officers are removed from the line. Even in very justified shootings, even in shootings when they've been shot at multiple times, wounded, the officers typically removed in this investigation because we think lethal force is such a thing that should be controlled and restricted that we -- we always investigate it. That's what needed to happen here and should happen.

The process protects both the public and the law enforcement officers, but we must avoid on all sides is just resorting to inflammatory rhetoric, declaring nothing to see here or rushing to label a US citizen a domestic terrorist before the evidence is established undermines trust and escalates already Volatile situations.

Both parties have weaponized the term domestic terrorists to target those with opposing views and it needs to end. Many Americans have seen the videos. Many see an individual retreating. Many see someone attempting to assist a woman on the ground before being seized from behind. Reasonable people may disagree about those videos, but the truth must be determined by evidence, not narrative.

I support Immigration and Customs Enforcement. I believe dangerous criminals should be removed from our communities. But in order for ICE to be successful, they must restore public trust. We must acknowledge when federal agents are placed in chaotic crowd control situations that the risk of tragedy increases.

At the same time, state and local decisions that limit cooperation affect how and where federal enforcement is carried out. Escalatory statements from any level of government only make it worse. Reports

that cooperation in Minnesota is improving and that agents will return to their normal assignments and be repositioned outside of Minnesota are encouraging.

Restoring trust, however, requires more than assurances. It requires independent review, clear standards for the use of force and honest accountability. Government that values liberty must be willing to examine its own actions. That is how we protect civil liberties. That's how we protect law enforcement and that's how we protect against future loss of life.

Senator Peters.

GARY PETERS:

Well, thank you, Mr. Chairman. And thank you, Mr. Chairman, for convening today's hearing. In communities all across the country, Americans have seen on video with their own eyes as law enforcement officers from the Department of Homeland Security have tackled and beaten US citizens in the streets, as they've broken windows and yanked US citizens from their cars, as they've been pepper sprayed in the face at point blank.

And as they have shot and killed two US citizens, Renee Good and Alex Pretti, who were exercising their First Amendment rights. In Mr. Pretti's case, his Second Amendment rights. These actions have been carried out by masked federal officers without appropriate identification and near areas like schools and houses of worship, where innocent children are often present and placed in harm's way.

While all Americans agree that we should remove violent criminals who pose a threat to public safety as part of immigration enforcement, we all agree at that. But most Americans also overwhelmingly agree

that the administration's violent and heavy-handed tactics are an abuse of power and they must be reined in. Today's hearing comes at a critical time as Congress has a chance to put needed reforms in place to hold DHS law officials and enforcement officers who supervise them accountable.

And I'm grateful that today, the committee and the American people will have a chance to hear not only from state officials from the state of Minnesota, but most importantly, from key agency officials within the DHS who oversee the officers carrying out the actions that we have all seen on the ground in communities like Minneapolis.

I look forward to hearing testimony from these DHS officials, but at the end of the day, they all answer to Secretary Noem. She must also fulfill her responsibility to testify before this committee, and more importantly, the American people for the lawless and unconstitutional behavior that some DHS officers have carried out under her leadership.

Today, we're going to hear a lot of explanations and justifications from federal officials and I'm sure we'll hear accusations about communities like Minneapolis and what the Trump administration thinks their obligations are when it comes to immigration enforcement. But let's be clear, immigration enforcement is solely the responsibility of the federal government.

We'll hear today from state officials in Minnesota who will shine a light on how they cooperate with ICE, despite the administration's rhetoric, rhetoric to the contrary. Instead of working cooperatively with the state and local enforcement on these operations through their chaotic and dangerous engagements, the Trump administration

has undermined all trust between communities and federal law enforcement.

In doing so, they have made it harder for local police to protect public safety and address crime in their communities. On top of that, the DHS has also broken trust with the American people, to the point where we can no longer believe the words and information the department is putting out. For example, in the aftermath of the horrific shooting deaths of Renee Good and Alex Pretti at the hands of DHS officers, Secretary Noem and other officials rushed to smear, to smear two citizens exercising their First Amendment rights, as violent threats and as domestic terrorists.

DHS and White House officials use these words, spun a narrative that falsely painted the victims as violent agitators and tried to manipulate the truth about what actually happened on the ground. And they did this despite the fact that there were multiple videos that have allowed all of us to see with our own eyes, our own eyes, what actually happened, that Americans who posed no threat were shot and killed in our streets by representatives of the federal government.

However, despite the efforts of the Trump administration to spin lies, like most Americans, I believe the truth still matters. I believe that every federal law enforcement officer has a responsibility to conduct their work in a professional manner and in accordance with the law. And I believe that when they don't, whether it is an individual officer or a high ranking official from the Department of Homeland Security, they must be held accountable for their actions.

Today's hearing is about holding DHS accountable for the terror that they have unleashed in our communities through these violent, excessive and unprofessional tactics. And as I said before, I expect to

hear more excuses than admissions of air from the DHS officials. So with that in mind, I want to remind everyone exactly what we're talking about today.

I got a brief video. If you put the brief video up, this is what we're talking about today. [Begin videotape]

UNKNOWN:

Stop kneeling him in the face. That's his face, stop it. [Inaudible] what the hell? [Inaudible] I've been picked up by police before. I'm disabled, so I need to go to the doctor up there. That's why [inaudible] I am an autistic disabled person. Yeah, why are you taking my information down? Because we have a nice little database.

Oh, good. And now you're considered a domestic terrorist. For videotaping you? No. Shame. Shame. [End videotape]

GARY PETERS:

Mr. chairman, I also ask unanimous consent to submit letters I have received from stakeholders in the committee's -- in the committee's record.

RAND PAUL:

Without objection.

GARY PETERS:

Thank you.

RAND PAUL:

Tom Emmer represents Minnesota's sixth Congressional district and serves as the House Majority Whip. Because of his other duties, after his testimony, I think he probably will be headed back to the House, but we appreciate you coming over. Congressman Emmer, you are recognized for your opening statement.

TOM EMMER:

Thank you, Chairman Paul, Ranking Member Peters and members of the committee for this opportunity. It's not every day a lowly House member gets to address the upper chamber. I also want to acknowledge the other witnesses, a constituent and friend, Majority Leader Harry Niska, as well as Commissioner Schnell and Attorney General Ellison, for being willing to offer their insight into this very important issue.

I look forward to Attorney General Ellison being forced to answer for his role in tying the hands of law enforcement in order -- To protect criminals. It's a shame that his partner in crime, Minneapolis Mayor Jacob Frey, declined the invitation to testify here today. Frey clearly has no problem talking about Minneapolis to any member of the media who will listen, so it makes you wonder if he's too afraid to repeat those same lies under oath.

I guess time will tell. As the representative of Minnesota's Sixth Congressional District, I have witnessed firsthand the consequences that come when our Democrat state leaders prioritize criminal illegal aliens over law-abiding Minnesotans. The unrest that we all watched unfold in Minneapolis over recent weeks was unnerving.

It was heartbreaking, and any loss of life is tragic. But make no mistake. It was all a direct result of radical sanctuary state and city policies in Minnesota. By preventing local law enforcement from

working together with federal law enforcement, they have turned Minnesota into a safe haven for criminal illegal aliens.

We're talking about murderers, rapists, gang members and child predators. Now, before you hear dizzying spin from one of the other witnesses here today, let's take a closer look at how we got here. In 2021, with Attorney General Keith Ellison as the chief law enforcement officer in our state, the Hennepin County sheriff's office issued a directive which prohibited the county's cooperation with Immigration and Customs Enforcement.

Four years later, Ellison issued two legal opinions arguing that Minnesota law prohibits state and local law enforcement agencies from holding someone based on an immigration detainer if the person would otherwise be released from custody and limiting county sheriffs' ability to enter into 200 -- 287(g) cooperation agreements with federal law enforcement.

What happened as a result? Criminal illegal aliens were released back onto our streets, putting innocent Minnesotans' lives at risk. Take the case of Victoria Eileen Harwell for example, a Minnesota mom who was allegedly killed by an illegal alien in a drunk driving car crash. Hennepin County ignored detainer requests and let this criminal walk not once but twice, citing Attorney General Ellison's opinion.

Flash forward to December 2025 when the Trump administration launched Operation Metro Surge in Minneapolis, fulfilling the border security mandate they were given by 77 million Americans and following the uncovering of rampant Somali fraud throughout our state. As of last week, 4,000, 4,000 illegal aliens have been arrested since Operation Metro Surge began.

That includes the worst of the worst off our streets. But in response, Tim Walz and Keith Ellison sued the Department of Homeland Security for simply deploying federal law enforcement to enforce federal law. That lawsuit was ultimately rejected by a Biden appointed federal judge. And now Trump border czar Tom Homan has been working with Minnesota officials to scale back Operation Metro Surge on the condition that local law enforcement be allowed to cooperate with federal law enforcement, something, by the way, that occurred under the -- President Obama's administration.

It's important to note that it didn't have to be this way. The chaos in Minneapolis was entirely preventable had local law enforcement been allowed to work with federal law enforcement from the beginning. We see that in states like Texas, Florida, Utah. We also see that in eight Minnesota counties, including Sherburne County, which is in my district.

Sherburne and these seven counties have proactively partnered with federal law enforcement to prevent criminal illegal aliens from roaming free despite threats of ridiculous lawsuits by the ACLU rising -- arising from Attorney General Ellison's dangerous guidance. It's really that simple. By allowing law -- local law enforcement to notify federal law enforcement when they arrest illegal aliens and detain them until a federal officer can come and get them, we limit the fed's footprint and keep dangerous criminals off our streets.

It's a win-win for all parties involved. But Tim Walz, Keith Ellison and Jacob Frey are so beholden to their radical sanctuary state and city agenda that they've lost all common sense. And now here we are today, with innocent lives lost and chaos in our streets. It's horrible but entirely preventable. And it makes you wonder, why are Minnesota Democrats so keen on protecting criminal illegal aliens?

Is it so that they can secure votes come election season? Tim Walz, after all, refuses to hand over Minnesota's voter rolls to the Department of Justice. And Keith Ellison has a history of cutting deals with Somali fraudsters for personal, political and financial gain. These are all very important questions, and I hope we can get some clarification on all of them today.

Minnesotans deserve answers and accountability. Thank you for allowing me to testify on behalf of all the hardworking, law-abiding Minnesotans. We're grateful for your commitment to uncovering the truth and ensuring that justice be served. I yield back.

RAND PAUL:

Congressman Emmer, thank you for your statement and for your participation today. It's the practice of this committee to swear in witnesses. Will each of the remaining witnesses rise and raise your right hand? Do you swear that the testimony you will give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

UNKNOWN:

[Off mic]

RAND PAUL:

You may be seated. Our first witness will be Harry Niska, who represents District 31A in the Minnesota House of Representatives and serves as the Republican floor leader. Representative Niska, you are recognized for your opening statement.

HARRY NISKA:

Chairman Paul, Ranking Member Peters, and members of this committee, my name is Harry Niska. I serve in the Minnesota House of Representatives. Thank you for the opportunity to present a perspective from Minnesota's immigration enforcement crisis. I want to start by expressing my appreciation for the recent recalibration of federal enforcement under Tom Homan.

His commitment to rebuilding accountability and trust is essential, and we're already seeing a more focused and disciplined federal effort on the ground. But federal action only tells part of the story.

Minnesota had been proud of our reputation for clean and good government, but recently we've become a cautionary tale of chaos, corruption and fraud.

And this decline is the result of specific policy choices made by Minnesota Democrats especially related to immigration policy. First, they rolled out a welcome mat of benefits that erased the distinction between legal and illegal legal presence. In 2023 specifically, under all Democrat control, Minnesota passed driver's licenses for all, explicitly including those without legal status, and even refused to include common sense measures like a label saying not eligible for voting.

Minnesota created the North Star Promise, which provides free college tuition, including to illegal immigrants, and Minnesota extended taxpayer funded health care and paid leave benefits to those here illegally. But beyond incentives, we face a graver issue in Minnesota: active nullification of federal law.

Our attorney general, Keith Ellison, issued an opinion blocking the use of 287(g) agreements, the gold standard for federal-state law enforcement cooperation. And in another opinion, he provided legal

cover for sheriffs who want to ignore ICE detainers. The results are stark. In some counties ICE detainers are complied with.

But in Hennepin County, our largest jurisdiction featuring Minneapolis, the sheriff's office complied with only 8 percent of ICE detainer requests over a two year period. This obstruction has a cost. When jails refuse to honor detainers, they don't stop enforcement. They displace it. Arresting a suspect in the secure environment of a jail is safe and efficient.

Forcing that arrest to happen in a home or a workplace or what we saw just this week, in the lobby of the Hennepin County Courthouse, drastically increases the risk to officers and the public. When Minnesota local law enforcement officials, the Hennepin County attorney, thinks it's better to release someone caught with 50 pounds of meth in January and release them out into the community and ICE has to arrest them in the lobby of the Hennepin County Courthouse, which is what happened yesterday, that is what causes the chaos that we've seen in Minneapolis.

And the Minneapolis Police Department has refused to assist even in crowd control during these types of chaotic situations. That's what resulted in the two tragic deaths that we heard about earlier today. And we will never know, sadly, how those two situations had turned out if Minneapolis police had been permitted by their political leaders like Governor Walz, Attorney General Ellison and Mayor Frey to simply keep the peace rather than forcing federal law enforcement officials into a chaotic situation.

The rule of law must include enforcing federal immigration law. It must be done within the bounds of the law. But simply withdrawing federal enforcement at a heckler's veto because of those who are

opposed to enforcing the law would only validate nullification and encourage further lawlessness. Thank you for the opportunity to testify.

RAND PAUL:

Keith Ellison is the attorney general of the state of Minnesota. Attorney General Ellison, you are recognized for your opening statement.

KEITH ELLISON:

Thank you, Chairman Paul, and thank you, Ranking Member Peters. Thank you, Chairman Paul, and thank you, Ranking Member Peters, and thank you to all members of the committee. I'm Keith Ellison, and I'm the Minnesota attorney general. Since early December, Minnesota has been the site of Operation Metro Surge, the largest single deployment of ICE agents in the history of the United States, the largest single immigration enforcement surge our country has ever seen.

The surge has caused real harm to our state. Members of the committee, I respectfully ask you to exercise your oversight powers to do the following things: one, require ICE to provide a full, transparent accounting of everyone stopped, detained, arrested and deported from Minnesota during Operation Metro surge.

Two, require ICE to document the conditions of its detention facilities and to allow attorneys, health care professionals, clergy and elected officials full access. Three, require the FBI to conduct investigations in partnership with Minnesota into the deaths of Renee Good and Alex Pretti and into every other use of excessive force.

Four, require ICE to stop masking, stop the racial profiling, stop conducting warrantless searches. And finally, pass comprehensive immigration reform. I was so encouraged years ago when Senator Lankford was leading that effort. It needs to be renewed. One question any rational person might ask is why? Why is this happening?

Because it simply doesn't really make sense. Every rationale the administration has offered for this surge is really a pretext. The government has said the purpose of the surge is to fight unauthorized immigration, yet Minnesota ranks 28th among all states in the percentage of undocumented immigrants. Florida and Texas alone have nearly as many undocumented people as the entire population of the state of Minnesota.

The government has said the purpose of the surge is to fight fraud in government programs. Well, of course I hate fraud, and my office and I are already fighting it. We've convicted 300 people of -- Medicaid fraudsters in the last seven years. The government did not surge, however, forensic accountants to Minnesota.

They didn't surge computer experts. Instead, they sent 3,000 masked, armed men who are now kicking in doors demanding papers, killing Minnesotans, not fighting fraud. The surge has hurt the fight against fraud. Because of it, a wave of experienced prosecutors have left the US Attorney's office in Minnesota, and the remaining staff are now drowning in a flood of habeas corpus petitions.

The government has also said that the purpose of the surge was to fight violent crime and rid our streets of the worst of the worst, and yet violent crime rates in Minneapolis were falling before the surge. Furthermore, ICE's own data shows that 77 percent of those it has detained in Minnesota have no criminal record at all.

Notoriously, some of those detained have been children. Is five year old Liam Conejo Ramos the worst of the worst, or ten year old Elizabeth Zuna Casiaguano? The surge is contributing to violent crime, members. It's contributing to violent crime. Two of the three homicides committed in Minneapolis in 2026 have come at the hands of federal immigrant -- immigration agents.

Recently, the government has said the purpose of the surge is to gain cooperation from state and local officials and immigration enforcement, but the Minnesota Department of Corrections already follows state law that requires Minnesota to notify federal authorities when a non-citizen incarcerated for a felony.

Second, under Minnesota law, no jail can keep someone incarcerated on an ICE detainer longer than they're otherwise legally allowed to incarcerate them. This is not unique to Minnesota. Several of our federal and state courts have reached a broad consensus that aligns with our law. So, after dismissing all of the pretexts, what's clear: this surge is all about what Donald Trump said it was all about.

In a Truth Social -- Social post on January 13th, he wrote retribution and reckoning was coming to Minnesota. This war on Minnesota is retribution, to be sure our policies, our values and how we vote, and it comes at a great cost. Senators, it comes at a cost of the lives of two US citizens, Renee Good and Alex Pretti.

It comes at the cost of shuttered businesses, Mr. Chairman, disruptions in education for tens of thousands of children, lasting harm to Minnesota's economic prosperity and social cohesion. And it comes at a cost, Mr. Chairman, to our Constitution. Under the 10th Amendment, the federal government may not compel or coerce states

to enforce immigration laws or any other federal government priorities.

And under the First Amendment, the government may not stifle speech or restrict the right of peaceful -- peaceful assembly. Operation Métro Serge routinely violates both these constitutional principles. So, Mr. Chairman, you'll never know how grateful I am that you called this hearing to discuss this matter.

Mr. Ranking Member, I do appreciate it very much. The people of Minnesota care deeply about the health, safety and constitutional right of their neighbors. And I have one final request of all senators, and that is directed to the administration. End the surge. End it now. It's already gone too far, and it must go no further.

I yield back.

RAND PAUL:

Paul Schnell serves as the commissioner of the Minnesota Department of Corrections. Commissioner Schnell, you are recognized for your opening statement.

PAUL SCHNELL:

Thank you, Chairman Paul, Ranking Member Peters, and members of the committee. Thank you for the opportunity to testify today. My name is Paul Schnell, and I serve as commissioner of the Minnesota Department of Corrections. I appear before you as a career public safety professional, a former law enforcement officer, police chief and now head of the state corrections agency.

What is happening in Minnesota is not a dispute about whether immigration laws should be enforced. What is in question are the

reasons for the unprecedented federal actions in our state and the tactics being used. Two Minnesotans, both US citizens, are dead following encounters with federal immigration agents.

That alone warrants serious oversight, particularly in light of federal officials' unwillingness to allow a shared investigative process. Oversight must begin by separating fact from fiction. Our agency has worked hard to bring facts to light. Accuracy is not defiance. The latest false narrative is that Minnesota is a lawless sanctuary where dangerous criminals are allowed to slip through the cracks.

That simply is not true. My written testimony is extensive, but I'd like to highlight three points. First, Minnesota honors immigration detainers and has coordinated with federal authorities for many years. Any suggestion that we've refused to cooperate or harbor non-citizens is baseless. Second, President Trump's request that serious offenders be deported before they serve their court imposed sentences undermine both victim and state justice interests.

Third, the execution of Operation Metro Surge has had tragic consequences. What has resulted is not controlled, target focused enforcement, but an operation lacking planning, discipline and constitutional restraint. It is both possible to respect civil liberties and engage in meaningful immigration enforcement.

We as a country need DHS to respect that balance. Minnesota's experience shows us that unchecked enforcement can lead to tragedy and a profound loss of trust. Constitutional rights are not partisan issues. Government power must be checked and balanced, and law enforcement must operate within the law. Chairman Paul, members of the committee, I am here because I believe oversight is urgently needed.

Minnesota seeks a return to law enforcement agencies respecting each other's roles, where enforcement is proportional and constitutional and where the public can trust that government power is exercised responsibly and transparently. We are not there today, but with your help and continued advocacy from leaders who value the constitutional principles, I am hopeful we can get there again.

Mr. Chairman, thank you for inviting me. I am prepared to answer your questions and assist in the committee's inquiry in any way I can.

RAND PAUL:

Thank you all for your testimony. I think there is a way we can get beyond, you know, our differences on immigration and our differences on approach. And I think -- but we have to look at this in a broad scope and try to leave some of that aside. I think there is no justification for bad behavior on in -- from law enforcement.

Whether it's your local police or others, it has to be investigated. It needs to be corrected. You have to change your policies. You have to announce that you're going to do a better job. But I think there is an explanation for why there's 3,000 ICE agents in Minnesota. One explanation that's been put forward was vindictive.

Maybe. I don't know for sure. But I do know that, if you tell people preemptively that your local police will not cooperate -- so, if ICE calls you up and says to Minneapolis, we have a guy -- we're just presuming it's a guy because more bad people out there, unfortunately, are men than women. It's a guy, this bad guy.

We want to pick him up. He's been convicted of an assault, and he's -- now needs to be deported. If the policy of Minneapolis is not to cooperate at all, I mean, there's going to be a real problem, and then

they're going to say we need more ICE agents. So, what happens right now, Mr. Ellison -- Attorney General Ellison, if I'm from ICE and I call Minneapolis, and I say John Smith is wanted and will you help us? Could we have ten Minneapolis policemen go with one or two agents and arrest him, or do we have to have 12 agents and no Minneapolis police?

What happens?

KEITH ELLISON:

Well, under Minnesota Statute 631.50, anybody convicted of a felony who's in federal -- who's in -- who's in custody must -- they -- they must be in -- be inquired -- questioned about their nationality.

RAND PAUL:

That's -- that's in custody. That's sort of a different question.

KEITH ELLISON:

Ok. Right.

RAND PAUL:

I'm talking about somebody who's in the community and they need help arresting this person.

KEITH ELLISON:

Right, but you -- you said felony. So, that's what may be --

RAND PAUL:

You're right. And that's a different -- we'll talk about that.

KEITH ELLISON:

Ok, yeah.

RAND PAUL:

Let's talk about somebody we -- they want help. And is the local police force going to give them help, or do they have to bring in all ICE agents to do it?

KEITH ELLISON:

Certainly, targeted enforcement is not the problem, as -- as has been said.

RAND PAUL:

But I think that's what -- what has been said of some of your policies. And the interpretation is -- is that they don't have to and won't cooperate with ICE.

KEITH ELLISON:

Well, Mr. Chairman, what my policy with the -- first of all, they're not my policies, just so all the members of the committee know. When you see advice or an advisory opinion coming from the attorney general's office, this is not my opinion. It is the lawyers in my offices and my best analysis of what the law requires.

I say that to you because it's -- it's -- even if I didn't issue an opinion, the law would still be what it was.

RAND PAUL:

But a month ago, if -- if ICE called the local Minneapolis police and said we want to arrest this person, will the Minneapolis police help ICE to arrest the person?

KEITH ELLISON:

I think so, yes.

RAND PAUL:

And this -- this --

KEITH ELLISON:

That -- that's --

RAND PAUL:

Now we're at a question of facts.

KEITH ELLISON:

But, see, Mr. Chairman --

RAND PAUL:

But I think most people are arguing that that's not true and that that's a reason for the surge. If it is true, then the local officials need to say they will. But, I mean, the mayor of Minneapolis said to -- you know, used a crude language to tell them where to go. He didn't say, oh, we're not going to help you arrest five year old boys because we think that's wrong, but if you have a rapist, we'll help you elect rapists, assault people, thieves drug, kingpins, etc.

But it doesn't sound like that's what's happening to me. I mean, do you really think that it is happening, they're cooperating?

KEITH ELLISON:

Yes, I do, Senator.

RAND PAUL:

All right.

KEITH ELLISON:

And let me just -- if I -- if you'd allow me just to elaborate, I think that there is -- what we're dealing with is a difference of what the scenario is. If you're talking about a person who's been convicted of a crime where you will -- and targeted enforcement, you will see Minnesota officials make sure that that person is addressed properly and deals with their consequences when it comes to immigration.

When it comes --

RAND PAUL:

So, to -- to Representative Niska, do you think the local police are cooperating if -- if ICE calls them?

HARRY NISKA:

No. The public statements of Minneapolis officials have been that Minneapolis police will not assist in enforcing immigration. Perhaps they'll assist if there's some state crime that's alleged. But -- but if ICE were to call in your scenario and say we need to pick somebody up for violating immigration law, the Minneapolis public statements have been that they won't. And the -- the example we saw just this last week of someone who was arrested with 50 pounds -- an illegal immigrant

arrested with 50 pounds of meth on January 8th was allowed to go free and had to be taken by ICE last week.

And --

RAND PAUL:

Thank you. Mr. Schnell, I would like to know -- and I've -- I've watched some of your interviews. I am impressed with the idea that ICE was saying there was 1,300 people. You reviewed them. Some of these people aren't in Minnesota, never were in Minnesota. Some of them have been released to ICE themselves.

And their list is just flat out wrong. The most impressive thing I heard in one of your interviews was that someone named Lou Muya [PH] was a person that they were, you know, saying this is why we have to break down doors because of this terrible person. Sounds like he probably is a terrible person, but you said he was in his jail -- in jail already and he had a detainer.

So, I think that truth needs to be explored, if that is really happening. There used to be, people said, a direct portal, though, so when -- when you did it or somebody got booked, it went directly to ICE. Does that still exist, or do you have to do them one at a time in prison?

PAUL SCHNELL:

So, Mr. Chair, at present, you know, we -- we provide notification in accordance with law to ICE when they come in. There are systems that -- that, you know, are available to people to be able to get that -- for ICE to be able to get that information.

RAND PAUL:

I was told that Mayorkas stopped the portal. And the portal was a very fast portal, where it was sort of automatically done. True or not true?

PAUL SCHNELL:

That is -- it is true that -- that there is a portal that ICE can access.

RAND PAUL:

It was stopped under my Mayorkas.

PAUL SCHNELL:

I believe so.

RAND PAUL:

Ok. But you still do your job. You do your detainers in. And so, one of the questions goes back to Attorney General Morris's point. So -- and look, I'm a stickler for the law. I'm a libertarian on these issues. If -- detaining somebody who's already served their sentence doesn't make sense to me. But here's my question.

If someone is in your prison for five years, which some of them are going to be in prison five years, they're also wanted and they're at a detainer, which means they haven't had their -- their judgment. Why couldn't we go to immigration court during the five years in prison? Does that happen? And why doesn't it happen?

PAUL SCHNELL:

Mr. Chairman, I believe there are some rare instances where we have had people who have had immigration proceedings while they've been in custody and, you know, where removal determinations were made.

RAND PAUL:

Yeah, where they answer some of the questions. Then you have a final court judgment. You go through a court. He's going to be represented and you're going to go through, the final judgment. And then, attorney general's problem that, oh, you don't -- they've not -- a detainer's a request, not a conviction.

Then they would have had their conviction. It's much easier. But they -- also, if it's seamlessly working, is it -- most of the time when you notify ICE, are they showing up on the day they're going to release and it's a peaceful turnover, or are they doing it half the time, 20 percent of the time, 100 percent of the time?

How's it working?

PAUL SCHNELL:

Mr. Chairman, I think there has been wide scale cooperation for a long time. We have had, you know, excellent experiences. And the staff -- local staff at the Department of Corrections and the local ICE office are very effective.

RAND PAUL:

All right. Senator Peters?

GARY PETERS:

Thank you, Mr. Chairman. Commissioner Schnell, has -- has ICE or anyone else at DHS attempted to coordinate their operations with state and local law enforcement or even notified them when they are conducting immigration enforcement, according to your knowledge?

PAUL SCHNELL:

Senator, I believe this is one of the challenges, and it may speak a little bit to the chairman's earlier question that there has not been a planful approach. There has not been efforts to coordinate or discuss their targets. We have not been provided with a list of targets, as a for instance, where there could be some opportunities, where we have those dangerous people that represent a risk to Minnesota's public safety, that we could coordinate.

So, that has not happened.

GARY PETERS:

So, it hasn't. They have not been attempting to coordinate with local law enforcement is what you've seen. And -- and you have your current experience. You also have a long and distinguished career as -- in -- in police in the community, including a police chief for a number of communities. So, they have not coordinated, to your knowledge.

So, what danger to public safety and local law enforcement does this lack of coordination from DHS result in?

PAUL SCHNELL:

Well, I think, Senator, what we see is, you know, a situation that is crisis driven. And -- and I think the challenges are, when -- when things get out of -- were out of hand, then it was we need local law enforcement to -- to protect ICE and ICE operations, when in fact, if coordination had happened from the get-go, I think a lot of this could have been avoided.

You know, and there's a long history with -- whether it's Minneapolis, police, the Department of Corrections, any law enforcement in

Minnesota, of strong collaboration with federal partners. For instance, you know -- you know, the Department of Homeland Security Investigations division does a lot of work with transnational drug investigations that -- on task forces that law enforcement has -- are actively involved in. And these are really positive and important public safety ventures.

And yet, this particular intrusion into the state really was done solely by them without coordination. And that has created, I think, a public safety mess for our state, and something that -- that I think we should all be concerned about.

GARY PETERS:

Well, that's significant. So, they are not reaching out to try to coordinate an action. It sounds like, from your testimony, if I'm correct, it's only when it gets to a crisis situation because it's out of control, that they lost control, then they call for help from the -- from the police, please help us, we're -- we're messing this operation up.

PAUL SCHNELL:

I think, Senator, that -- that's precisely, I think, what we have seen over the course of time, is that as -- as things became more crisis -- oriented after the -- the two shootings, the two deaths, um, that, uh, then there was this need for collaboration and securing, uh, ICE agents and even the local ICE facility in Minneapolis.

GARY PETERS:

OK. So lack of, uh, attempt to even coordinate at the front end is a significant problem. And, uh, I hear you. Attorney General Ellison, I'm going to ask you another related question to that coordination.

Can you describe the coordination between DHS or DOJ with the state and local officials into the investigations of the tragic shootings of Renee Good and Alex Pretti?

KEITH ELLISON:

We haven't had any -- Senator, we haven't had any cooperation up until now, which is really unusual because in prior cases where, uh, where there's been a federal and state interest in a -- in a crime, we've seen collaboration between federal and state authorities. It's -- it's how we normally do work. It's not unusual at all.

In fact, this situation, when we were told you can't have access to the - - to the -- to the evidence, to the crime scene, that was highly unusual and surprising to us. And so, uh, we're hoping that we can gain cooperation, perhaps in the Pretti matter. But we've been advised that the Good matter is -- the feds are not investigating it and we still haven't received any access to the evidence that is involved in that case.

So it's -- it's an unusual, strange situation, but we're with -- with good faith hoping that things will change.

GARY PETERS:

So that's important. You're saying in the past, they've worked with you or other folks.

KEITH ELLISON:

Yeah.

GARY PETERS:

But in these two cases, they're stonewalling you?

KEITH ELLISON:

That's a yes. That's a yes.

GARY PETERS:

Wow. Well, Commissioner Schnell as -- as a former local police chief, as I mentioned earlier, is cutting out law enforcement, local -- is cutting out local law enforcement, a common and effective way to actually conduct an investigation?

PAUL SCHNELL:

Senator, no. I think, you know, the operations, as the attorney general pointed out, of -- of close collaboration and sharing of evidence and we saw that in rather significant cases, where there was both a local investigation and prosecution as well as a federal investigation and prosecution in other cases.

So, you know, I think as we look at the public safety of -- of Minnesota, the public safety of our country, collaboration between law enforcement and focus and targeted enforcement on issues of -- of critical importance, whether that's human trafficking or large-scale drug interdictions, these -- these things need to continue and we need to get back on track for those matters.

Um, and, you know, and I think that's where success can happen. Um, that's where success has happened, uh, in collaboration, but that's not what's happening currently as we see in Minneapolis and Minnesota.

GARY PETERS:

OK. So the next question is to both of you. Um, this administration has basically demanded that Minnesota state and local agencies use

their extremely limited resources to basically subsidize DHS operations, is what we're hearing. Now, this is despite DHS receiving well over \$100 billion from the Republican spending bill to conduct the kinds of operations we're seeing on these streets.

So given recent reporting that only 14 percent of arrests made by DHS are individuals with a criminal record, would you say this is a good use of those limited state resources that you have to protect the people on the streets of your local communities, to help ICE round up mothers on their way to work or children getting off the school bus?

Or should they be -- should you be using that to fight crime on your streets and making the people safe in your communities? And how does that strain your ability to provide public safety for the residents that you serve? Attorney General Ellison, you want to take the first stab?

KEITH ELLISON:

Yeah. Well, Senator, um, look, um, crime in Minnesota and in Minneapolis has been going down. We're grateful for that. But we still need every resource we can to protect public safety. And the fact is, resources are very limited. I think that given the proper circumstances, legal cooperation makes sense.

But we do -- simply don't have the state budget to be deputized to carry out functions that are reserved constitutionally to the federal government. That's their business. We have our business. And where we can work together, that's a good idea, but we simply cannot just convert our resources over to the federal government.

GARY PETERS:

Mr. Schnell?

PAUL SCHNELL:

Senator, I simply can't imagine how many -- how many dollars have been spent in Operation Metro Surge. It's staggering. Um, the cost of - - of -- of human life as well as just the actual financial resources, um, is -- is hard to even imagine, especially when we look at the numbers that -- that we're talking about.

Um, when we look at what is happening operationally, um, it becomes hard to understand and certainly, uh, taking resources away from the local community, uh, would be contrary to public safety, um, in our state. And -- and I think it's also important to say that, you know, we didn't ask for this level of assistance.

I think there -- we have seen crime go down in our state, um, and this certainly has not been ultimately beneficial to the safety of our state.

GARY PETERS:

Thank you.

RAND PAUL:

Senator Johnson.

RON JOHNSON:

So a lot of what we heard here today literally makes no sense. Um, when you look at the history of, uh, returns and removals, you know, the Obama administration, uh, first Trump administration. You have to kind of throw out Biden. It was such an aberration. Uh, Obama, on average, they returned and removed about 650,000 people a year.

Trump, in his first term, about a half a million. That's lower than Obama. This first year, there have been a little under 600,000 returns and removals. Um, that's a lot, but it's not a whole lot when you realize we flooded who knows how many, at least probably 10 million people, if not more during the Biden administration and created this enormous mess.

By the way, including that, according to DHS, 650,000 criminals that are at large, they're not detained, 15,000 murderers, 20,000 people convicted of sexual assault. I mean, that's the mess that the Democrat and President Biden's open border policy created, that the Trump administration is trying to clean up. But they deported close to 600,000 people under this administration.

And in most states and most cities, There aren't protests. There aren't protesters being shot. Obviously, problems in Los Angeles, probably Portland, these places that claim to be sanctuary cities. It sounds like, you know, Attorney General Ellison is denying the fact that, oh, yeah, we cooperate with ICE. I think Representative Niska wouldn't agree with that.

So again, I'm trying to -- I'm trying to square the circle going. This doesn't make sense to me. I wish we had the government officials here, DHS officials, our next panel on this one just to refute this, to -- to -- to rebut it. We had a very interesting hearing last week on the fraud in Minnesota and we had state Senator Mark Koran.

And in his testimony, he was talking about local reports of something like 30,000, they call them observers, being trained. I thought that was an incredible figure. I'm not saying that there actually were, but -- but it certainly sounds that there are activists being trained. Are you aware of -- of training for activists, Mr. Ellison, in Minnesota, that

some of these -- these protesters literally went through training, there are groups out there providing training?

Are you aware of that?

KEITH ELLISON:

Yeah, I'm aware of that. I mean it's -- it's common for people to use their First Amendment right to protest things that they don't believe are right.

RON JOHNSON:

So people have been trained. Were you aware of --

KEITH ELLISON:

I mean, it's First Amendment activity, sir.

RON JOHNSON:

Yeah, were you aware of the signal chats? I believe -- I believe it was the lieutenant governor of Minnesota was actually helping manage one of those signal chats that were deploying those trained activists to the legal law enforcement actions. Were you aware of that signal chat that was being used to deploy those people?

KEITH ELLISON:

I'm aware it exists, but this is First Amendment activity, sir. This is something that the law --

RON JOHNSON:

Did you -- did you ever encourage people to go out there and exercise the first --

KEITH ELLISON:

Yeah, I do.

RON JOHNSON:

So you encourage --

KEITH ELLISON:

I freely admit being in favor of the First Amendment.

RON JOHNSON:

You encouraged trained activists to put themselves into harm's way, because you had to know because you were watching this, that there were scuffles at least, that these people were obstructing justice. I would think you'd actually, as the chief law enforcement officer of Minnesota, be concerned about people obstructing justice, you know, putting their cars in streets, blocking roads.

I would think as chief law enforcement, you would be concerned about that. But were you ever concerned about encouraging, I guess, people to support you to go out and put themselves into harm's way?

KEITH ELLISON:

No, we never --

RON JOHNSON:

-- by impeding and obstructing illegal law enforcement action? Did that ever concern you?

KEITH ELLISON:

Sir, that never happened. We all times said, if you want to protest, protest peacefully, protest safely. But we -- but I would -- you'll never find me being against the First Amendment.

RON JOHNSON:

[Inaudible] right now, but --

KEITH ELLISON:

I'll always be for the First Amendment.

RON JOHNSON:

But you -- you were seeing the scuffles, right? You were seeing the -- and by the way, Minneapolis police officials could not help protect ICE officials, right? I mean, Representative Niska, isn't that -- when you're talking about the nullification of federal law, isn't that one of the, you know, Hennepin County, that they simply could not help and protect ICE in their legal law enforcement actions?

HARRY NISKA:

In Minneapolis -- the Minneapolis Police Department issued guidance in July saying that they would not even help with crowd control around immigration operations. And Minnesota leaders encouraged that kind of action. The Minnesota lieutenant governor encouraged people to put their bodies on the line.

RON JOHNSON:

I can't imagine encouraging somebody that supported me politically to go and put themselves into harm's way. I can't imagine that, particularly -- particularly when you know that these law enforcement

officials had been shot at. A couple of illegal immigrants inadvertently killed because people were shooting at ICE officers.

Their vehicles had been rammed by some of these peaceful protesters, probably the trained activists. They've had rocks thrown at their vehicles. I can't imagine encouraging people, put yourselves in harm's way, get out there and record that. I, as a government official, would have said, back off, let us work with ICE, let's cooperate with them.

Let's -- let's see if we can't de-escalate this. But Attorney General, you did the exact opposite and two people are dead because you encouraged them to put themselves into harm's way and now you're exploiting those two martyrs. That was a tragedy. It never should have happened. Now we can investigate, but I can't imagine being a law enforcement official where I know my colleagues have been shot at, their vehicles rammed that, that they're trained activists deployed.

And by the way, we know at least one of those activists had a semi-automatic pistol with extra clips. So now you're an ICE officer, you're doing enforcement action. You've got a team behind you trying to protect you. You've got all these trained activists behind you. Is it any wonder they're at hair trigger alert?

A tragedy was going to happen and you encouraged it and you ought to feel damn guilty about it. Thank you, Mr. Chairman. Yeah, sit there and smirk, smirk. It is sick. It is despicable.

KEITH ELLISON:

Are you asking me for comment, Senator? Because everything you said was untrue. It was a nice theatrical performance, but it was all lies.

RAND PAUL:

Senator Hassan.

RON JOHNSON:

Disgusting.

MAGGIE HASSAN:

Thank you, Mr. Chair. Um, we're here today because Americans are outraged by the deliberate intimidation trampling of civil rights and lawlessness from this administration that has left two Americans shot dead, two American citizens shot dead by masked federal agents. And with respect to my colleague from Wisconsin, there is a long tradition in this country, especially in the civil rights movement, which finally brought us out of the Jim Crow era, of peaceful, nonviolent demonstration where people are trained so that when they are attacked, even by law enforcement who are escalating, they know how to stay calm.

And it is because of that kind of nonviolent First Amendment activity that we were finally able to pass civil rights laws in this country. Immigration enforcement needs to combine strong border security with a targeted focused effort on removing violent criminals. Instead, this administration's divisive dangerous and deadly actions are making our communities less safe.

Today's hearing provides an important opportunity for us to hear from those on the ground and those in charge, because what is happening today is unacceptable to the people in my state of New Hampshire and to people from every corner. And in fact, people around the globe, since I just got back from the country of Greenland.

They know this too and their children are scared of the United States of America. I hope that my Republican colleagues will continue the bipartisan conversations that some of us have been trying to have and are necessary to enact meaningful common sense reforms to keep our communities safe. Now to Mr. Schnell.

Last month, President Trump stated that Minnesota officials should turn over all criminal illegal aliens that are currently incarcerated in their state prisons and jails to federal authorities. As the head of the Department of Corrections, you run Minnesota's prisons. And in your testimony, you described how your department already works with ICE to transfer non-citizen prisoners in your custody to federal custody.

You all do that. So you're doing your part and you are working within the law to coordinate with ICE. I'd just like to hear from you, given your years of experience in law enforcement, have the actions of ICE and the Trump administration improved effective law enforcement and cooperation in Minnesota or have they made it more difficult?

PAUL SCHNELL:

Senator, the current operation makes it much more difficult. Um, and I think, you know, the -- the levels of -- of misinformation do become challenging. In fact, just in the past few days in the White House X account, uh, there was a post about the ISIS removal of the worst of the worst from Minnesota streets.

And they cited Mr. Abdul Rashid Aleem [ph], uh, his arrest and removal from -- from Minnesota, when in fact, uh, Mr. Aleem was released directly to ICE on May 1st of 2025 from the Department of Corrections. And so this misinformation, I think, makes it much more

challenging for -- for law enforcement. And I think it's -- so contrary to the way it has historically been in terms of collaboration.

And you know, this is one of the challenges I think we face.

MAGGIE HASSAN:

Thank you. You also talked in your testimony about trust, saying, quote, the erosion of trust between DHS and Minnesota is at the core of this crisis and I suspect we will feel its repercussions for years to come. This is an incredibly important point. The greatest responsibility a government has is keeping its citizens safe.

But that can't come at the cost of freedom and liberty. These things all have to work together or you lose the trust of your citizens. And all across our country, and in my state of New Hampshire, law enforcement and communities work together in this way, to work to be safe. So having lived this experience, what do you see as some of the repercussions of this loss of trust and what can we do to rebuild it?

PAUL SCHNELL:

Senator, I think it happens here with this and -- we'll start with this committee and with Congress taking, you know, some clear action to address and rebuild the legitimacy and trust in ICE. And there -- we want to be clear, there is a legitimate need for immigration enforcement and for addressing those people who represent, in particular, a threat to public safety.

Um, but I think what we want is to -- to return to the days where there is close collaboration, as you described, where we can focus on key issues of community and public safety across our country. Um, things like transnational large-scale drug, uh, efforts as well as human

trafficking. These are really important issues that there has been long-standing collaboration.

And I worry that because of what's happening today, those efforts will -- will -- will be lost or we will not invest the kinds of resources that are needed in those areas.

MAGGIE HASSAN:

Yeah. I appreciate that. I guess one last question. I come from a small state, but we have 234 cities and towns. And some of our police departments are a few officers. Uh, our larger cities have, you know, many more than that, um, but can you talk about the -- the realistic need to cooperate and plan when you have limited resources?

It sounds to me that some of what the administration is asking the state of Minnesota, or the Community of Minneapolis to do, is turn over its entire police force to ICE to do their work um and then drawing them away from investigating state crimes, which is, of course, incredibly important. Can you just talk about that for a second?

PAUL SCHNELL:

Senator, Minneapolis, like many communities across the country, have limited resources and have profound need on the policing front. And so it has to be targeted and focused on the -- the needs of those communities and diverting this away -- in fact, we can go back and look at the President's Task Force on 21st Century Policing from 2015, just 11 years ago, that really focused on the need for there to be an effort, but the decoupling of immigration enforcement from local law enforcement.

And that doesn't mean that there isn't collaboration and we are -- we need to focus on the right kinds of targets, but it does speak to the fact that local law enforcement has a role as does federal immigration efforts. And I think recognizing the differences there does become critically important. And, uh, you know, law enforcement agencies across the state, uh, want to work together, need to work together.

Um, but there also has to be appropriate focus on the needs of a particular community, large or small.

MAGGIE HASSAN:

Thank you very much. Thank you, Mr. Chair.

RAND PAUL:

Senator Lankford.

JAMES LANKFORD:

Chair Paul, thank you. Thank you all for coming here in the conversations. I do want to bring a couple of things here. One is news for those of you all that are here on the panel. You probably have not seen yet that Tom Homan has announced that they are standing down Operation Metro Surge, uh, in a press conference during this time period.

He also announced that they have had 4,000 total arrests uh of folks that are undocumented, uh, in Operation Metro Surge, and have identified over 3300 children that were unaccompanied minors that we didn't know their whereabouts. They were lost during the last administration. That those kids were also identified as far as where they are.

Uh, we have some kids that have been lost into labor trafficking and all kinds of things on it. They've done that. So there is some news that's happening. I also want to be able to correct the record on a couple of things I've heard just even in conversations today. This number of 14 percent of the folks have a criminal record, uh, that ICE has detained is actually not an accurate number.

That number is 14 percent of violent criminals. That's murders and rapes. 70 percent of the folks that are arrested nationwide have a criminal record. And so it's interesting that -- I guess there's some folks that don't see as important to arresting folks with five DUIs or that are drug dealers or robbery.

They're just interested in getting murderers and rapists out. But I would say for most people in my state, if they have a criminal record, they're interested in those folks being removed from the country. So 70 percent of the folks, uh, have been arrested nationwide by ICE in the past year do have a criminal record at some point, not 14 percent.

Um, Attorney General Ellison, you and I served together in the House years ago together, so we've known each other a long time on it. Um, you made a comment earlier about me, trying to be able to work to be able to solve things. During the Biden administration, I made it very, very clear, I'll work with anybody that will stop the chaos that was happening at our border during that time period.

KEITH ELLISON:

I appreciate that.

JAMES LANKFORD:

At the time, I was working with the Biden administration and trying to find a solution with 12,000 people a day that were illegally crossing our border, a day. Almost none of them had any background checks at all. We literally had no idea who they were and we had 70,000 people that even the Biden administration identified as special interest aliens coming from areas of known terrorism, but we didn't know who they were, 70,000 just in 2024. So you are correct, I was willing to work with anyone to try to make that stop because it was absolutely out of control.

Um, I look at what's happening in Minnesota, and it's been a great conversation and try to just figure out things. Uh, ICE did a surge in New Orleans, this didn't happen. ICE did a surge in North Carolina, this didn't happen. Uh, when I look at my state and other states and the cooperation, there are right now about 1,200 jurisdictions in the country that have a 287(g) agreement with the federal government on honoring detainers and working to be able to partner together.

There's 1,400 total agreements of some kind of memorandum of understanding with ICE and with local law enforcement across the country. But what I'm hearing from you is in Minnesota, a 287(g) would not be allowed according to state law. What's -- what's the cooperation? How many 287 agreements are there in Minnesota at this point?

KEITH ELLISON:

Yeah, so the position that my office has taken is that if you are a sheriff who wants to do a pursuit 287(g), you must have the support of your county board under the Joint Powers Agreement. It's just a -- it's just a restatement of what the law is.

JAMES LANKFORD:

So how many -- how many agreements are like?

KEITH ELLISON:

I think about -- I think seven is the last number I heard, but there's no barrier. We're not saying that people can't do 287(g) agreements.

We're saying that there is a procedure that they have to follow that involves engaging with their county board. That's all.

JAMES LANKFORD:

So I guess my challenge is, um, if there's -- if there's someone arrested in Minnesota, let's say they've got three DUIs and they're arrested and they're incarcerated and it comes up in pings in the records that this person also has a murder warrant in Oklahoma, would they be held until Oklahoma authorities came to get them at that point, or would they at the end of whatever term, be released?

If Oklahoma reached out and said hey, we want that person. I know you're prosecuting them, but before you release them, we want them, don't let go of them until we get there, what would happen in that situation?

KEITH ELLISON:

I'm confident that Minnesota would honor Oklahoma's request.

JAMES LANKFORD:

OK. How is that different in other places with ICE detainees? So if ICE reaches out and says, hey, this person's not legally present in the

country, a court has already ruled they have a final order of removal, they need to be removed, would they be held until ICE gets there?

KEITH ELLISON:

If there is a final order of removal then they are -- I mean, Mr. Schnell would be the best person to answer the question. But the answer is, yeah, they're going to -- ICE will be notified. Those people are going to be picked up. Those people are being picked up. And Senator, again, I did appreciate the work that you were doing on immigration.

And I want to be clear that I think we need to return to that level of bipartisan cooperation. And I hope that you can -- can -- can continue in that direction. But one of my problems is that a lot of the reasons that the federal administration's giving for targeting Minnesota aren't justified based on the law.

JAMES LANKFORD:

Right. But -- so I guess my first question is if -- if someone has a final order of removal from an immigration court, should they be removed?

KEITH ELLISON:

Yes.

JAMES LANKFORD:

OK. So then the argument from ICE has been is that sometimes they do a detainer and by the time they got there, they've been released already. They're not actually there. Is that occurring? Because I would say, if Oklahoma contacts Minnesota and says, hold them until we get there, or if ICE contacts them and says, hold them until we get there, what's the difference?

KEITH ELLISON:

If it is a -- if somebody's been convicted of a felony, that person is going to be -- there will be questioning as to what their nationality is. That information will be reported to ICE. Now, under a case which is based on federal and state law and Minnesota called *Esparza versus Nobles County*, if the person is not convicted of anything and there's an ICE detainer that's there, then ICE has to get them because they cannot be held beyond the time that the state have legitimate reason to hold them.

JAMES LANKFORD:

Right. But the question is, are they notified in enough time for ICE to be able to get there? Because ICE's statement is, hey, we're going to get there as quick as we can. But it takes two agents to come, pick somebody up if they're already being detained. It takes eight agents to go get them if they're on the street somewhere.

So their -- their desire is if you've got somebody, even if they haven't been convicted, they've just been arrested but they do have a final order of removal, ICE is going to contact and say, hey, we want to do this. And, uh, [inaudible] was just saying before that a stat of eight percent of ICE detainees being honored.

I want to ask you about that.

KEITH ELLISON:

So -- so we're talking about a final order of removal, somebody who is in Minnesota state custody, I'm confident that these people are being picked up. If there is no final order of removal, if there's no felony conviction, if the person is still pretrial, then we -- it would be a re-

arrest and a -- and a detention from the state of Minnesota if we were to continue to hold them beyond Minnesota's authority to hold them.

So we cannot just say, we're going to hold you because ICE wants you if it's a non-felony, uh, situation where there's no conviction.

JAMES LANKFORD:

All right. We'll follow -- I'm past my time. We'll follow up with the ICE agents in a little bit and get a chance to get clarification.

RAND PAUL:

I think it's a great subject and hits on sort of the point. And I think if you were to issue a statement saying that final orders will be obeyed by the -- every county and every municipality and every police department, that final orders would be obeyed, including a final order that we now have a final order and the guy that lives at this address, you'll send the Minneapolis police with the ICE agents to that house.

Would you issue that order?

KEITH ELLISON:

That's already the law.

RAND PAUL:

Well, I think nobody's cooperating and nobody believes there's an amount of cooperation. So I think issuing that order or issuing one, issue a public statement. Would you issue a public statement that reiterates the law that with final orders, you do? And then it brings up the other problem, maybe we need more final orders and maybe ICE needs to be told to go to court and get final orders and then that you will comply with that.

But I think they need to be told from you that you will actually comply if that, that -- if that is the distinction, that you don't like detainers because they're not a final court order and that you will obey final court orders. I think the people of America and the people of Minneapolis would do better, Minnesota to hear from you, that you will obey final orders.

And then we have to figure out how come we don't have enough -- -- final orders and how come we haven't adjudicated these things, and then we're isolating in on the problem.

KEITH ELLISON:

Senator, I have and will state Minnesota law clearly as many times as I need to. But I just want to be clear, that's not why we're here. We're here because of other political considerations, not because of something Minnesota is doing wrong.

RAND PAUL:

I think that's sidestepping the issue. Senator Kim?

ANDY KIM:

Thank you, Chairman. Thank you to the three of you for coming out. Attorney General, I wanted to start with you. I was going through the Minnesota State website and pulled up some facts here. Uh, I just want to make sure they sound about right. It was saying that there was about 585, uh, police within the Minneapolis police.

Does that sound roughly right?

KEITH ELLISON:

Yeah, the city of Minneapolis has about that many police officers.

ANDY KIM:

And about 561 in Saint Paul?

KEITH ELLISON:

Accurate?

ANDY KIM:

And then about 620 in the Minnesota State Patrol?

KEITH ELLISON:

[Inaudible]

ANDY KIM:

Does that sound about right? So we're talking about around 1,700 for some of the largest areas, as well as the state patrol. What was the total number of federal agents deployed at the height of the surge?

KEITH ELLISON:

Well, there were the ones that they started with and then 3,000 more after that. And my numbers suggest to me -- so somewhere between 3,000 and 4,000 are the best estimates. We don't have an exact precise number that -- and I -- my numbers are that that's about eight to 10 percent of all ICE agents in America.

ANDY KIM:

I have to say, that when I was -- when we were talking today about the different rules and the different ways in which they can organize between the federal and the state. But -- but when I learned about just

the sheer number and the -- and the contrast to the proportion on the ground, that was really shocking to me because I don't think I fully understood that coming from New Jersey.

So you know, Attorney General, I -- I just kind of wanted to ask you, like, how did it feel on the ground, when you have that much of a presence at the federal level of these officers beyond what you were saying, two to three times the total number of state and local officers?

KEITH ELLISON:

It felt like our state was targeted, blanketed with paramilitaries everywhere. Uh, who are, um, approaching citizens, non-citizens, whoever. Um, it felt like we were being occupied by the federal government and I started returning, Senator, to reading about how the Boston Massacre, how did those Bostonians feel when a faraway government in England had Imperial troops marching all over their city, harassing and abusing the citizenry.

That's kind of how I felt.

ANDY KIM:

I heard that word a lot, uh, used by others in Minnesota and the press, of just feeling occupied, just feeling like you don't have the ability to be able to -- to control your own state and have this imposed upon you. So I just really wanted to hit that home because, again, we're having a lot of talks about what level of cooperation and whatnot.

But I think this committee needs to look at just the -- the sheer volume, the sheer number of federal agents and what kind of signal that sends to Minnesota and to those on the ground. And look --

KEITH ELLISON:

Senator Kim, can I make one quick point?

ANDY KIM:

Yes, of course.

KEITH ELLISON:

Forgive me. My apologies. So the thing is, some -- it has been said there have been surges in other states and we haven't had these kind of problems. The -- the reason why is there's never been on this scale. We just simply haven't seen this level of scale in other cities. This is the single largest deployment of ICE -- of immigration agents in the history of our country.

So I'm sorry for interrupting.

ANDY KIM:

No, absolutely, it's important to be able to hear. And sure, you know, we heard the news from Homan saying that they're announcing the end of the surge. And this comes on the heels just a couple of days ago of Trump saying he's not backing down. So you know, we're, I think, seeing the importance of oversight, of accountability and the voice of the American people, and especially the people of Minnesota, who as far as I can tell, seem like they have disapproved of ICE and it seems like they're saying ice has gone too far.

And that's not just falling on partisan lines, is it, Attorney General?  
Seems like it's across the board.

KEITH ELLISON:

There's a well-known conservative, um, podcaster, his name is Michael Brodkorb. He's written -- this guy is a conservative, he's nobody's liberal, right? He's a conservative. It is a broad based objection that Minnesotans are making. Now, not everyone, of course, but there's a -- but whether from the left to the center to the right, people are very disturbed by the engagement that they've been receiving from, uh, ICE officials and Border Patrol agents.

ANDY KIM:

So despite the fact that the surge looks like it's ending, uh, and going back down, I think we can all say that damage has been done. There is also no admission of wrongdoing or wrongdoing of tactics by this administration, and it bodes questions about what comes next, not just for Minnesota, but where else are these agents going to go next?

Uh, I think also part of this gets to what does it take to heal? What is it going to take to help the people of Minnesota heal? And Attorney General, you talked about just the lack of an independent investigation here. Is that something that would be important for the people of Minnesota, to know that there is a true independent investigation that involves state and local participation?

KEITH ELLISON:

Yes, Senator. I know -- there is a -- I know there's a diversity of views on this on this esteemed committee, but I would hope that all would agree that we need transparency in terms of the activities of ICE, transparency in terms of the conditions of detention facilities, access to those facilities, a full, fair and joint investigation into the deaths of Good and Pretti and into the masking.

Nobody in this committee has police officers who run around wearing masks. I'm certain that Senator -- uh, Senator Paul, Kentucky police officers and state troopers don't wear masks. We cannot impose on people what we would not accept for ourselves and then call ourselves fair. And finally, I want to just encourage Senator Lankford to continue his work on comprehensive immigration reform.

ANDY KIM:

Mr. Schnell, I wanted to turn to you because some of what Homan said, and I know you didn't have privy to -- to see what he said today announced. But he said that part of the reason why they're able to end the surge is now that -- now that there's a willingness on state and local to be able to cooperate.

But what your testimony said today sounded like you were already willing to cooperate. But that also, that they weren't reaching out, that they weren't providing, uh, you know the efforts to be able to share their targets and whatnot, Can you go into that a little bit more?

PAUL SCHNELL:

Senator, I think one of the -- I think if there is a positive of -- of Mr. Homan being dispatched to Minnesota, has been at least efforts to -- to have discussions with local officials, uh, efforts to try and gain a level of discipline among the agents that were dispatched to the state. Uh, those things have been, I think, very -- very positive.

Um, and yet, I think we still see some lack of -- of cooperation. Uh, I've had the opportunity to meet with Mr. Homan and have positive conversations. And yet, I think some of the struggles have been information sharing, uh, is an ongoing issue. Um, you know, we have

provided information to them, uh, around the people in our custody, uh, who are non-citizens and who do not do not have detainers yet.

And there's about a hundred of them. And -- and so we want to make sure that that there is full accountability and, um. So you know, we're pleased at the --

ANDY KIM:

And also with stopping some of the misinformation that was put out there as well.

PAUL SCHNELL:

100 percent.

ANDY KIM:

Yeah. With that, I'll yield back.

RAND PAUL:

Senator Hawley.

JOSH HAWLEY:

Thank you very much, Mr. Chairman. Mr. Ellison, let me start with you. You're the attorney general of the state of Minnesota, do I have that correct? That's a yes?

KEITH ELLISON:

Sir, you're aware of my job. You know the answer to that.

JOSH HAWLEY:

You're not going to answer my questions? Are we going to start this way? Are you the Attorney General of the State of Minnesota, yes or no?

KEITH ELLISON:

You know the answer.

UNKNOWN:

Geez.

JOSH HAWLEY:

Mr. Ellison, you're in my courtroom now. You're under oath, so I suggest that you answer my questions. You're the chief law enforcement officer of the state of Minnesota, yes or no? Let's try another question. Are you familiar with the \$9 billion in historic fraud out of your state, including the \$250 million in the Feeding Our Future program alone?

Are you familiar with that? Don't turn to the pages in your book to get your potted answers. Are you familiar with it, yes or no?

KEITH ELLISON:

Yes, I am familiar with it.

JOSH HAWLEY:

Very familiar, aren't you? Because the people who ran the Feeding Our Futures program came to you in your official office in the State Capitol on December 11th, 2021 and asked for your help in getting investigators off their backs. They complained to you for upwards of

an hour about state investigators going after them and they begged you to help them and you agreed to it, amazingly.

And we know you did --

KEITH ELLISON:

That's not true.

JOSH HAWLEY:

-- because it's all caught on tape. Every single sentence is caught on tape. Here's what you said. Let's take a look.

KEITH ELLISON:

And obviously, you --

JOSH HAWLEY:

It's not a question. You said to them, send me the names of all these folks who are investigating them. You said to them, send me their names and I'll take that list and I'll call the person over at education who was investigating them and say, what's going on, why am I getting these complaints? Then you went on to say, I already have my team working on this, what day should we get together to discuss it again?

You made pledge after pledge to them. You said, we've got to make sure this guy who's investigating them stops it. You said, you have my attention, I'm concerned about this. You said, let's go fight these people, meaning the people who were investigating the fraud. Why'd you do it? Why'd you help them?

KEITH ELLISON:

Are you going to let me answer?

JOSH HAWLEY:

Please. We're all ears.

KEITH ELLISON:

So first of all, you're cherry-picking quotes out of there.

JOSH HAWLEY:

Why did you help them?

KEITH ELLISON:

I thought you were going to let me answer?

JOSH HAWLEY:

Why did you help them.

KEITH ELLISON:

Are you going to let me answer?

JOSH HAWLEY:

Why did you help them?

KEITH ELLISON:

Let me answer and I'll answer you.

JOSH HAWLEY:

Tell the truth and I'll let you answer.

KEITH ELLISON:

I will tell the truth. Let's do that.

JOSH HAWLEY:

Good. That'd be a nice change. Why'd you help them?

KEITH ELLISON:

No, that -- now, see, Mr. Chairman, I didn't come here to be insulted.

I came here voluntarily.

JOSH HAWLEY:

You came here for the truth. Let's have it. Why did you help them?

The quotes are here. They're in black and white and every member of this audience can listen to the recording. It's 54 minutes long. It's all in public. You can Google it right now and listen to it.

KEITH ELLISON:

Right, and listen to it all.

JOSH HAWLEY:

Why'd you help them?

KEITH ELLISON:

First of all, I didn't help them.

JOSH HAWLEY:

You did help them.

KEITH ELLISON:

No, I did not. I certainly didn't.

JOSH HAWLEY:

You're saying you didn't do anything for them? You didn't -- you didn't --

KEITH ELLISON:

Well, wait a minute.

JOSH HAWLEY:

I already have my team working on this. Again, that's not you? The ventriloquist?

KEITH ELLISON:

My team -- my team assisted with the information that led to the prosecution and conviction of these people.

JOSH HAWLEY:

No, you didn't. You didn't lift a finger to prosecute them.

KEITH ELLISON:

Yes, we did.

JOSH HAWLEY:

No, you did not. You didn't lift a finger to prosecute them. You had -- oh, BS. You had whistleblowers come to you as early as 2019 --

KEITH ELLISON:

No, no, you're the one talking BS.

JOSH HAWLEY:

Hey, listen, it's my time.

KEITH ELLISON:

Doesn't know what you're talking about, sir.?

JOSH HAWLEY:

No, sir, you now have encountered the truth and you don't like it.

Why'd you take their money? Why did you take their money?

KEITH ELLISON:

I didn't.

JOSH HAWLEY:

You took \$10,000.

KEITH ELLISON:

No, that's a false statement.

JOSH HAWLEY:

\$10,000 nine days after the meeting.

KEITH ELLISON:

False statement.

JOSH HAWLEY:

You took \$10,000. Here's what happened. They went two your office, they solicited money from you, they solicited help from you. They came to your office. It was your official office. You met with them for 54 minutes.

KEITH ELLISON:

No, they didn't.

JOSH HAWLEY:

They asked you for help. You pledged it to them and they talked repeatedly about money. In fact, it's all they talked about, money, money, money, money. They said, we will put our dollars in the right place. We will support candidates that will fight to protect our interests. You replied, that's right. They said, if you are securing your donor base and securing your power base, you can act the way you want.

You replied, money is freedom. They said the amount of money circulate -- I'm reading the transcript. The amount of money circulating in our community today is powerful and we haven't realized it in a meaningful way. And you said, give me the specifics. And nine days later, you took \$10,000 --

KEITH ELLISON:

That's a lie.

JOSH HAWLEY:

-- from people who were then indicted. It's in your reports. Why'd you do it?

KEITH ELLISON:

Sir, this.

JOSH HAWLEY:

Was it worth it?

KEITH ELLISON:

You know what, this is a theatrical performance.

JOSH HAWLEY:

10,000. This is the truth. This is what accountability looks like, of which you've had none.

KEITH ELLISON:

No, no --

JOSH HAWLEY:

You helped fraudsters defraud your state and this government of \$9 billion and you got a fat campaign contribution out of it. You ought to be indicted.

KEITH ELLISON:

Completely untrue.

JOSH HAWLEY:

That's the truth.

RAND PAUL:

I think we've made the point. Let's keep the tenor [inaudible]

KEITH ELLISON:

Well, for the record --

JOSH HAWLEY:

I'll ask how I want to Senator Paul.

KEITH ELLISON:

He's lying and that's -- and that's the truth.

JOSH HAWLEY:

Oh, no, this is all on the record, sir. Did you bother to -- did you bother to investigate where the money that you facilitated their fraud for, where it went? Do you know where it went, what it was used for, the fraudulent money? I do, because we just heard testimony about it yesterday.

KEITH ELLISON:

Because we were key players in the investigation.

JOSH HAWLEY:

Hundreds of millions of dollars to terrorist groups, to transnational criminal organizations, to the drug trade, to drug trafficking, to child trafficking, and you took \$10,000 --

KEITH ELLISON:

That's a lie.

JOSH HAWLEY:

-- and helped them do it. You know, the other thing is, whistleblowers came to you as early as 2019. Let's look. As early as 2019, whistleblower -- don't talk over me, as early as 2019. It's my hearing, pal. As early as 2019.

KEITH ELLISON:

I'm not your pal. Don't call me pal.

JOSH HAWLEY:

Whistleblowers came -- well, I should call you a prisoner because you ought to be in jail.

KEITH ELLISON:

Well, see what you can do about it.

JOSH HAWLEY:

In 2019, whistleblowers came to you in your office and referred to you fraud allegations from Feeding Our Futures, and you blew them off. Listen, your own state newspaper investigated, the Minnesota Star Tribune. The Partners in Nutrition brought its concerns to the attorney general's office in 2018 and in 2019 and you did nothing.

You did nothing for years. The only action you took is once all these fraudsters came to your office and asked you to get involved and offered you money, then you got involved, then you took the money and then you got involved.

KEITH ELLISON:

They did not come to my office. You're completely wrong about that.

JOSH HAWLEY:

You met with them for 54 minutes --

KEITH ELLISON:

I did not take anybody's money.

JOSH HAWLEY:

-- and you took \$10,000, and they also gave you family money. They gave your family thousands of dollars in campaign contributions in addition to what they gave you.

KEITH ELLISON:

This is a false statement.

JOSH HAWLEY:

Let's put the -- put the sign back up.

KEITH ELLISON:

This is completely untrue.

JOSH HAWLEY:

New York Post.

KEITH ELLISON:

Yeah, we know the New York Post.

JOSH HAWLEY:

Minnesota Keith Ellison AG accepted campaign donations from individuals linked to the \$250 million COVID fraud scheme after they were in your office. The donations came on December 20th.

KEITH ELLISON:

Sir, this is not --

JOSH HAWLEY:

You met with them on December the 11th and on January 20th, the FBI knocked over their headquarters.

KEITH ELLISON:

No, no --

JOSH HAWLEY:

That's the sequence of events here.

KEITH ELLISON:

No, it's not --

JOSH HAWLEY:

You've been right at the center of this fraud thing from the beginning, and you've enabled it. And sir, you should resign.

KEITH ELLISON:

And sir, you should resign. I was thinking the same thing about you.

JOSH HAWLEY:

You should resign you.

KEITH ELLISON:

I was thinking the exact same thing about you.

JOSH HAWLEY:

I'm sure after encountering this truth you are because it hurts to have accountability, doesn't it? It hurts to have accountability.

KEITH ELLISON:

Because after this parade of lies in presentation, I think you should be ashamed for misrepresentation.

RAND PAUL:

Time has expired. Senator Moreno.

BERNIE MORENO:

Unexpected -- unexpected next witness. I was expecting somebody on the other side.

RAND PAUL:

Or should I go on to Blumenthal?

BERNIE MORENO:

So let me ask --

RAND PAUL:

Excuse me. I made a mistake.

BERNIE MORENO:

I thought so.

RAND PAUL:

Let's go to the other side. Senator Blumenthal.

UNKNOWN:

You're next. OK. Yeah, you're next.

RICHARD BLUMENTHAL:

Thanks, Mr. Chairman, and thank you to the witnesses for being here this morning. Um, General Ellison, I want to ask you about law enforcement generally and especially as it applies here. As a former attorney general myself and a former United States attorney, uh, I'm very concerned about the lack of working together.

Not just coordination or cooperation, but actually joint work together here. Uh, you know, this is routine because law enforcement is not about red and blue, it's about trying to apprehend and prosecute wrongdoers to deter others, to punish the ones who did it. Uh, we've been told this morning that Operation Metro Surge is over, but this issue is much bigger than just Minneapolis.

It's about an out of control agency that is imposing brutality and violence in neighborhoods across the country. And the hearing that we held, a spotlight hearing last week, had witnesses who were shot and shot at, US citizens with no criminal background whatsoever in Chicago and California. This kind of brutality is happening across the country.

So I think it really is a national issue. I appreciate your leadership on a national level to try to bring some sanity and rationality here. You were asked earlier by Senator Peters about the lack of cooperation in the investigations of Renee Good and Alex Pretti's death, absolutely tragic. But it's not just a lack of cooperation, I believe.

Hasn't the federal government actually impeded your efforts to investigate by withholding evidence that was provided by state and local authorities and now is kept from you when you want to undertake a legitimate law enforcement investigation? Maybe you could talk a little bit about that.

KEITH ELLISON:

Senator, we certainly hope this situation does change, but up until now, particularly on the good matter, we have been denied access to critical evidence in the case to evaluate it, information like the car, uh, the gun, shell casings, other critical information needed to complete an evaluation in an investigation we simply haven't had access to. We hope this changes.

And you mentioned the presence of Tom Homan. I can tell you that with Secretary Noem and with Mr. Bovino, we didn't have any engagement at all. Perhaps now with somebody who has experience of their own in law enforcement, we can make some progress. I'm hopeful. But up until now, the situation is, as you described, we've been denied access to critical information we need to complete an investigation.

RICHARD BLUMENTHAL:

And the denial of information raises the issue of what is happening to that evidence. We know, having tried cases, that presenting it in court

involves establishing a chain of custody, so as to show there was no tampering with the evidence, which is critical in crimes like the ones that allegedly were committed in the alleged murders of Pretti and Good.

That kind of chain of custody, the preservation of the integrity of the evidence is critical to any prosecution or conviction. And I'm really concerned that the failure to provide this evidence or to attest to chain of custody, in effect, amounts to a cover up.

KEITH ELLISON:

You know, a lot of Minnesotans have used that word, Senator, and I hope that we can -- my biggest hope is we can move on from here. I think everybody who's ever done police investigation, crime investigation knows that there is a state interest and a federal interest. That's why collaboration is the norm.

And I think that most people know that uh, the -- that information has got to be shared with everybody who has an interest in establishing truth in public -- in public safety. The fact that we haven't been doing it in this situation, I'm hoping that with the help of this committee, with the help of, uh, of Mr. Homan, perhaps, that we're going to get into a better place.

But so far, we've been denied and it's deeply disappointing. Because as you know, when anytime somebody is killed in your state, I mean you, a long and distinguished career in Connecticut, you know that that leaves a massive hole in community. And to simply not investigate it, say there's nothing to see here, we've heard from the second most important official at DOJ that they're not going to investigate the Renee Good case, that they are not going to investigate at all.

And I would hope that this committee would say, no, we do expect that with Minnesota -- when Minnesotans or anybody of any state is killed, particularly in connection with an officer-involved matter, that there will be an investigation and it'll be fair and it'll be thorough and it'll be joint. And then whatever the results are, are what the results are.

But um, the fact that they're not going to investigate and local officials in large numbers have quit because of the conduct of the -- recent conduct of the DOJ, this is all deeply disturbing and I hope we can turn the corner.

RICHARD BLUMENTHAL:

I appreciate the -- the measured and insightful tone that you are bringing and the message of hope. You've used that term a number of times. The people of Minnesota deserve hope that things will now change, and I hope that they will. I think the nation hopes that they will. But in the meantime, the failure to investigate the Good killing and in fact, uh, I believe that the investigation is focused on Renee Good's family --

KEITH ELLISON:

That's right.

RICHARD BLUMENTHAL:

-- insofar as there is any investigation, it's of her sister and possibly her family -- I find absolutely abhorrent and incomprehensible. So I think there is a need for real reform in the Department of Homeland Security, which we are endeavoring to do, as you know, with common sense, restraints and far-reaching overhaul of this agency that right

now is out of control and needs to be reined in. But in the focus on this action in Minneapolis, I hope professionalism, such as you brought to this effort, will prevail.

And again, my thanks to you and Mr. Schnell and Mr. Niska for being here today. Thank you.

KEITH ELLISON:

Thank you, Senator.

RAND PAUL:

Senator Moreno.

BERNIE MORENO:

Thank you. Mr. Niska, I'll start with you. Just a basic question just to kind of level set. We can have the three of you just answer decently quickly. Do you think that people who are here in this country illegally, meaning they either entered illegally or overstayed a visa, should be deported? Yes -- simple yes or no?

HARRY NISKA:

The rule of law, Yes.

BERNIE MORENO:

Mr. Ellison?

KEITH ELLISON:

Do they have an asylum petition pending?

BERNIE MORENO:

Your microphone.

KEITH ELLISON:

If they have a pending asylum petition, I think it should be heard. If they have some basis for their presence in the country, I think ordinary due process should take place.

BERNIE MORENO:

Yeah, just from my perspective, simple. I'm not a big shot lawyer like you. Just a quick question. If you enter the country illegally or you overstay a visa, should you be deported?

KEITH ELLISON:

My simple answer is, sir, it depends.

BERNIE MORENO:

OK. So somebody breaks into your home, should they be arrested for breaking and entering or does it depend?

KEITH ELLISON:

It's an entirely different scenario.

BERNIE MORENO:

How's that?

KEITH ELLISON:

Because immigration is essentially civil and the breaking into my home is a criminal matter.

BERNIE MORENO:

Oh, OK, gotcha. So if there's -- so there's laws that should be enforced.  
So we shouldn't enforce civil violations?

KEITH ELLISON:

We absolutely should enforce them, but under --

BERNIE MORENO:

So -- but -- but you just said that it's a civil matter, so it's different. So if  
somebody --

KEITH ELLISON:

No, you enforce civil matters.

BERNIE MORENO:

So if somebody commits a civil infraction, it shouldn't be enforced?

KEITH ELLISON:

It should be.

BERNIE MORENO:

OK. So they should be deported?

KEITH ELLISON:

No, they should have due process that is associated with their  
petition. So for example --

BERNIE MORENO:

OK. So the act of entering the country illegally, you think we should say, well, did you really do it or not do it? It's pretty obvious that they did, right?

KEITH ELLISON:

Well, I mean it would depend on the facts of the situation and then they might say --

BERNIE MORENO:

I just gave you the facts. They entered the country without permission.

KEITH ELLISON:

But Senator, what if they had a good faith basis to say they would be persecuted in their home country and subjected to real oppression there. Under international law, there are provisions for them to make a case.

BERNIE MORENO:

That's a phenomenal, phenomenal point. Mexico and Canada, do you consider those to be safe countries or no?

KEITH ELLISON:

Generally, I do, but there are certain --

BERNIE MORENO:

Generally, you do? Wow. Well, you border Canada. Don't insult your neighbors to the North.

KEITH ELLISON:

No, I love my neighbors to the North. But I will --

BERNIE MORENO:

OK. So is it a generally safe country?

KEITH ELLISON:

Generally, yes.

BERNIE MORENO:

So then somebody seeking asylum could certainly be safe in Canada and Mexico, no?

KEITH ELLISON:

Now, so like if somebody -- we do know that in Mexico, which is another country I truly admire and think it's a wonderful country, but there have been cases of persecution, people who have legitimate fear --

BERNIE MORENO:

So people aren't safe in Mexico. Refugees cannot be safe in Mexico?

KEITH ELLISON:

Some might not be and I think -- and what I'm saying, Senator --

BERNIE MORENO:

So maybe we shouldn't have a free trade agreement with them then.

KEITH ELLISON:

I didn't say that. But what I would say, Senator, is that we should hear their petition.

BERNIE MORENO:

Got it.

KEITH ELLISON:

We should at least hear it out. We should say, is -- is there a well-founded and legitimate fear of persecution in your home country?

BERNIE MORENO:

That can't happen in Mexico?

KEITH ELLISON:

Well, I think that we should just -- we should just follow the international protocols that existed and --

BERNIE MORENO:

It is, which is that you seek asylum in your nearest country that you are seeking asylum in. But it sounds -- it sounds to me that -- that your answer is no. Mr. Schnell?

PAUL SCHNELL:

Senator, if I were to answer yes or no, it would be misleading. And I think ultimately, it does boil down to due process.

BERNIE MORENO:

It actually is pretty staggering that the easiest question that I could possibly ask is confusing for the two of you. I mean, that's -- that's decently disgusting and I'm going to tell you why from my perspective. I wasn't born in this country. My mom and dad had to follow the rules to bring me and my six siblings into the United States.

And I find it disgusting that the two of you guys want to reward people who skip the line, pay drug cartel members to smuggle them across the border, are coached to say exactly the right words when they hit Border Patrol. And by the way, the people who do that, the people who are, uh, from my neck of the woods, from South and Latin America, get abused, get raped, get held at gunpoint because people like you say, oh, it's OK, maybe we'll allow them into the country, when we should have a very simple policy, which is you can't enter our country illegally and you can't overstay your visa.

The fact that the two of you are top law enforcement people in your state and you can't simply say, hey, violating a civil or criminal offense is a problem is probably the origin of why we have these issues. Let's move on for -- for something else. Mr. Ellison, as the attorney general of the state of Ohio -- I'm sorry, the state of Minnesota -- you would never get elected in Ohio.

Who's -- who's Victoria Harwell? Because you haven't said her name. I'm just curious who she is.

KEITH ELLISON:

Um, is there a question you'd like to ask me?

BERNIE MORENO:

Yeah, who is she?

KEITH ELLISON:

Uh, as I understand it, she's a very unfortunate, tragic victim of a crime.

BERNIE MORENO:

OK. And what have you done about it?

KEITH ELLISON:

Well, in Minnesota, sir, I prosecute crimes that are --

BERNIE MORENO:

What have you done for Victoria Harwell?

KEITH ELLISON:

I'm telling you about my jurisdiction.

BERNIE MORENO:

I'm just telling you what you've done for Victoria Harwell. I'm telling you about my jurisdiction. But I didn't ask you a question about your jurisdiction. If I did, you could answer that one, but I haven't. So just tell me about Victoria Harwell, just tell me what you -- maybe the answer is nothing, which is fine.

Just tell me what you've done for Victoria Harwell?

KEITH ELLISON:

We have done everything that the law allows us to do.

BERNIE MORENO:

OK. And she's an American citizen, right?

KEITH ELLISON:

I assume so, yes. I don't know her nationality.

BERNIE MORENO:

You haven't even bothered to look into who she is?

KEITH ELLISON:

No, sir. I'm -- what I'm telling you is that I don't know -- I mean, what her nationality is. It doesn't mean I don't know anything. It means I don't know that.

BERNIE MORENO:

Well, thank you -- thank you for your concern for the Harwell family. It's obviously pretty sad that the attorney general of the state of Minnesota has not even bothered to understand who she is and you haven't mentioned her testimony, but you certainly know who Renee Good and Alex Pretti are.

KEITH ELLISON:

I do.

BERNIE MORENO:

Yeah. So obviously your priorities are clearly obvious. Tell me about Temple Israel. What happened there?

KEITH ELLISON:

Well, a dear friend of mine is the, uh, is the, uh, the lead Rabbi at Temple Israel.

BERNIE MORENO:

Could you just answer my question, please?

KEITH ELLISON:

Well, a lot of things happened there. Do you have something in mind you'd like to bring up?

BERNIE MORENO:

Yeah, any -- any particular incidents happen of anti-Semitism?

KEITH ELLISON:

There have been acts of anti-Semitism there.

BERNIE MORENO:

What have you done about it?

KEITH ELLISON:

Of which I oppose vigorously. We've supported local law enforcement and doing -- doing the right thing in those communities. I mean, let me tell you, I -- you're asking me about a place I know -- I know a lot about I've been to Temple Israel in untold number of times and so if they ever have any security concerns, that is a concern of mine.

Absolutely.

BERNIE MORENO:

So you've -- what have you actually done differently to help fight anti-Semitism in Minnesota?

KEITH ELLISON:

I speak against anti-Semitism. I condemn it as repugnant and wrong.

BERNIE MORENO:

Let's pause there. You speak against anti-Semitism. I -- will you condemn Louis Farrakhan's comments saying that Judaism is a dirty religion?

KEITH ELLISON:

You know, sir, I thought I was coming here to talk about immigration policy.

BERNIE MORENO:

That was lay-up question, by the way.

KEITH ELLISON:

No, no, no, I thought I was talking about immigration policy. I didn't know that we were going to be talking about all these matters. I mean, I'm reluctant to just sort of -- I mean, we already had one thing where we didn't mention immigration policy at all. I'm fine with you asking about questions around asylum and things like that, that makes a lot of sense to me. But now we're going off in all kinds of different directions.

I think there should be some scope to this hearing. And so, thank you for your interest and we both share a need to condemn anti-Semitism.

BERNIE MORENO:

A few of my colleagues have gone over time, Mr. Chairman. So just, just -- I find it disgusting that we would have a witness who's the attorney general of a state that will not condemn the fact that somebody said that Judaism is a dirty religion. The fact that we have a witness of that low caliber here before the United States Congress is an insult to this institution.

RAND PAUL:

I'd like to put a finer point on one of the things you asked too, because the responses were that they say, well due process hadn't been completed, let's say due process is completed. There is a final order, but the person isn't accused of any crime. Their only crime is being in the country illegally as Senator Moreno did.

Mr. Schnell, would you advise the Minneapolis police to assist in a final order? Their only crime is that they're in the country illegally.

PAUL SCHNELL:

Senator, if there is a judicial order, absolutely we should comply.

RAND PAUL:

Attorney General Ellison.

KEITH ELLISON:

Certainly.

RAND PAUL:

OK, see, I think that's unclear, not maybe for Mr. Schnell's point of view, but I think from the edicts and things coming down, I don't think it is clear. People have the feeling that you don't want any cooperation with ICE on someone here in the country illegally. So, I think as we look at this, if we only say -- if we're Democrats and we only say, oh, it's ICE, ICE, ICE and we don't say, well, that the cooperation had anything to do with it. And I'm not saying it justifies any kind of bad behavior.

But I really haven't gotten the feeling -- and I know it's been contentious, but I haven't gotten the feeling that you were willing to accept some responsibility for the lack of cooperation escalating this problem.

KEITH ELLISON:

Can I respond, Senator? Before Operation Metro Surge we were -- ICE was operating legally and in a cooperative way in the state of Minnesota. People may not or may like the way they were operating, but they were operating legally and with cooperation. It is this dramatic escalation that has caused so much problems.

And so, you're recommending that I try to be more clear. I will certainly take that to heart, sir. But this surge is in fact a very serious issue.

RAND PAUL:

And it's not without criticism. I'm just saying that there has to be -- there is the sense in the country and in Minnesota that you wouldn't want -- that you're so opposed to deporting someone just for deporting them that you don't want anybody to enforce it; that you don't want the police to be involved with this.

And so I think it is necessary, if you do believe the police should cooperate, to say publicly the police of Minneapolis will cooperate. It's going to be the way we're going to get to less ICE here by having 10 police officers go with one ICE agent to arrest people, but you're for that. And I can't tell you what to say.

I'm just saying I want less tension. I don't want more people to be unjustifiably injured or killed. So, that's -- it's a thought, and I'm sorry to interrupt, but Senator Ernst.

JONI ERNST:

Thank you, Mr. Chair, and thanks to all of our witnesses for being here today to testify on government oversight. So, while I won't be focusing on ICE and all of those issues, those are significant issues, I do focus on a lot of issues that come down to fraud within the federal government. So, again, I want to thank you all for being here; really appreciate your time.

So, I'll set the stage -- we have a lot of families like mine that live in Iowa, Minnesota. I come from a blue-collar working family, a farm family. My parents farmed, they worked very hard. Their parents ahead of them worked very hard to get where we are today. I'm very privileged to sit in this seat today.

My sister works for a trucking company; she and her husband farm. My brother is a blue-collar labor union worker for the railroad. Every one of their tax dollars needs to be protected because they work darn hard in all types of weather, they work outside. They don't have the privilege of sitting in a cushy office working 9 to 5. But what we have found in the federal government, through years and years of the work that I have done on oversight, is that \$1 out of every \$10 that Americans send to the federal government is squandered away and

lost in fraud -- \$1 out of every \$10. So, there's no time to waste in giving Americans peace of mind about how we use their hard-earned dollars.

We have seen examples like the Quality Learning Center in Minnesota recently, but this is happening in every single state. It's not just Minnesota; it is every single state. And accordingly, Mr. Chairman, I would like to submit my Squeal Award to Minnesota Governor Walz for the state's massive fraud ring for the record.

I'm putting together --

RAND PAUL:

Without objection.

JONI ERNST:

Thank you. I'm putting together a package of pragmatic bipartisan -- bipartisan proposals because I have friends on the other side of the aisle that see this as a massive scam against the American public. They see this and they want to deal with it. They want to prevent waste from ever occurring again. For too long Congress has pretended to search -- pretended to search for who is actually responsible for the amount of fraud and waste in programs after those funds have already gone out to the states and localities.

It's almost like a problem Scooby-Doo and the Mystery Gang might face. So, right here, folks. Well, the mystery is solved, Congress is responsible. By allowing weak incentives for states and localities to police spending after those grant funds are disbursed, fraud is able to increase more easily and it's harder to recoup improperly used taxpayer dollars.

So, Representative Niska, too often the federal government writes a check and then looks the other way. How should Congress redesign incentives to ensure states have real skin in the game and safeguards taxpayer dollars once those funds have left Washington DC?

HARRY NISKA:

Well, thank you, Senator. And you're absolutely right that people respond to incentives and especially immoral people respond to incentives. And unfortunately, we've had both in federal programs, but especially the way the Walz administration and Attorney General Ellison have overseen those programs in Minnesota, we have seen an enormous loss of our important taxpayer dollars.

We should be tightening up eligibility requirements, making sure that states and local governments are actually going out and checking on whether meals are being served. The Feeding our Future fraud scandal that we heard about was a situation where there were sites that were supposedly feeding kids where nobody could have fed them.

And if Minnesota officials, including Attorney General Ellison's office, which was involved in litigation at that time, had just gone out and checked, they would have been able to find those problems. The problem is that Attorney General Ellison has fought to cover up the records for closed investigative files.

He's fought in the courts in the legislature to amend our sunshine law so that he doesn't have to disclose what happened in those investigations. And that needs to change as well. But absolutely, the federal government needs to be overseeing our taxpayer dollars and making sure that states who are administering those programs are doing it better than Minnesota has done.

It's been a complete failure.

JONI ERNST:

Yes, thank you. And Attorney General Ellison, under your watch, unfortunately, Minnesota has achieved the largest COVID fraud scheme in American history. Under your watch, those whistleblowers who brought attention to the fraud and waste in your state, faced retaliation. Under your watch, billions of tax dollars intended for unemployment insurance, supporting hungry children just as described, children with autism, providing housing for the most vulnerable, keeping small businesses afloat through COVID and more were instead -- all of those dollars were funneled away into fraudulent schemes.

So, last month in an interview with CNN, you were asked if your office has done enough to stop the fraud and you responded -- of course, we've done enough, and this is a quote, of course we've done enough and we're doing more every single day. This is a political matter. This is not a serious thing. Those are your words.

KEITH ELLISON:

They are.

JONI ERNST:

How do I go back to my hard-working brother and my hard-working sister and every other American who's going out there and then sending their taxpayer dollars to Washington DC, only to have it squandered away in fraud? How do we respond to them? And how do we recoup those dollars from these programs that Minnesota should have been overseeing?

KEITH ELLISON:

Senator Ernst, thank you. I really do believe that you're sincerely, earnestly trying to look out for taxpayer dollars. And I'm here to tell you that, of course, we're here to hold people accountable who commit fraud. I've prosecuted and convicted over 300 people since -- in the last -- since I've been the AG for Medicaid fraud.

So, I'm with you when you're trying to protect the public dollar. What I was saying in that interview is that, rather than coming together on a bipartisan basis to stop fraud, the matter has been turned into a political football, which I bet you probably would agree it shouldn't be. We should come together to protect the public dollar, and it shouldn't be somebody's campaign ad; what we should do is do it together.

So, what are we doing? First of all, you should know that I can only prosecute -- I can only prosecute crimes that the county attorney gives me or that the governor assigns me. I do not have authority to just prosecute anybody I want.

JONI ERNST:

Yes. And I'm -- I am over time. Thank you for that, but what we need -  
-

KEITH ELLISON:

Let's talk. I'm here to help. I'm here to work with you.

JONI ERNST:

What we need is your governor then to step up to the plate and any crime that needs to be prosecuted, it needs to be done. The American

taxpayer is tired of their dollars being funneled out of their pockets into scammers' pockets.

KEITH ELLISON:

I think you're right.

JONI ERNST:

Thank you.

RAND PAUL:

Senator Moody.

ASHLEY MOODY:

Thank you, Mr. Chairman, for holding this hearing. Thank you for the witnesses for being here today. I think this is one of the most pressing issues facing our country -- and it is the most pressing issue facing our country because of what we saw over the last four years on a conservative estimate. Under the last administration, 11 million people flooded, I would argue were pushed into our country, sometimes done on a quota system under the Biden administration.

Some estimates have it up to 20 million, many of those didn't even come through checkpoints. They just came across without any sort of checking in, without any sort of claiming, without any sort of process and many, many, many of those had criminal histories before they even got here. And I know this was a hard question to answer, but it should be an easy one.

Mr. Ellison, you are the attorney general of the state of Minnesota.

KEITH ELLISON:

I'm not a -- what question is that, Senator?

ASHLEY MOODY:

You're the attorney general of the state of Minnesota.

KEITH ELLISON:

Of course I am, obviously, I was introduced that way.

ASHLEY MOODY:

You didn't answer Senator Hawley, so I'm just trying to get that on the record. I will easily answer not only am I the newest United States Senator, I was the attorney general for the state of Florida, easy answer, we'll start there. So, I'm going to take us back to 2021 when Biden reversed precedent of Democrat and Republican presidents going back in modern history and changed whether or not they were going to deport people here legally that had committed felonies.

Do you remember when that executive order came out where they said very, specifically, they were changing whether or not they would be deporting people here legally committing felonies? Do you remember that?

KEITH ELLISON:

I can't say, I cannot say I have a tight recollection of that.

ASHLEY MOODY:

I remember it because I was the attorney general, which is often referred to as the top cop or the top law enforcement official or

prosecutor in a state. I remember it because I was desperately getting calls from sheriffs around my state saying I have somebody in here for burglary or drug trafficking, whatever.

They are canceling detainers. Do you remember anybody coming to you and saying they're canceling detainers?

KEITH ELLISON:

I remember we had a robust conversation around a range of issues and what we did is evaluate Minnesota law and share that information.

ASHLEY MOODY:

And what I mean by that is, under the Biden administration, Mayorkas and everybody that was working on immigration, started systematically breaking down the border, and not only that, which allowed for the 11 million to 20 million people to come in. Not only that, they started telling law enforcement officials around the nation that had in their custody people here illegally committing crimes, don't hold them anymore.

We're going to abandon precedent that used to be done under Democratic and Republican presidential administrations, and we're going to stop holding people here illegally committing crimes, don't detain them because that's not our policy anymore. So, what did I do as the top law enforcement official in the state of Florida?

As the attorney general, I sued the Biden administration immediately and fought back because my law enforcement officials had the trust in me that I would fight for the safety of our communities. It just came out recently, after we had to bear the absolute devastation to this

country as it related to immigration and crimes in our community under the Biden administration, that the Trump administration said that we have gotten out of your state tens of thousands of people here illegally with criminal backgrounds, is that a good thing or a bad thing?

KEITH ELLISON:

I'm sorry, are you asking me if committing crimes is a bad thing. The answer is yes.

ASHLEY MOODY:

No. Trump administration said they have removed from your state 10,000 people that were here illegally that had criminal backgrounds. Is that a good thing or a bad thing?

KEITH ELLISON:

If you're asking me to -- are you asking me to rely on what the Trump administration has said?

ASHLEY MOODY:

Assume it is true because I think you're going to debate me on this. They have removed tens of thousands of people across the country that are here illegally that have committed crimes, they have a criminal background, is that a good thing or a bad thing?

KEITH ELLISON:

I agree with the general premise that we should remove the worst of the worst who are not authorized to be in the United States who commit crimes.

ASHLEY MOODY:

OK, so if they're here illegally and they've committed burglary, should they be removed?

KEITH ELLISON:

Yes.

ASHLEY MOODY:

What was that?

KEITH ELLISON:

Ma'am --

ASHLEY MOODY:

I think you said yes, I just couldn't hear you.

KEITH ELLISON:

Ma'am, ma'am, ma'am, look, if you're -- I think I answered your question, if you're -- if you're --

ASHLEY MOODY:

You didn't, I'm asking you now.

KEITH ELLISON:

If you're asking me if somebody -- if somebody?

ASHLEY MOODY:

This is a simple question of top cop of Minnesota. If someone burglarizes someone at home and they're here illegally, should they be deported? This is not a trick question.

KEITH ELLISON:

If somebody commits a crime -- if somebody commits a felony offense --

ASHLEY MOODY:

OK, let me make it simple. If they are drug trafficking and they are in Minnesota and they're here illegally, should they be deported?

KEITH ELLISON:

Have they been convicted?

ASHLEY MOODY:

Let's assume they've been convicted.

KEITH ELLISON:

Yeah.

ASHLEY MOODY:

OK. If they have broken into people's homes or committed theft, or let me go as far as saying if they've committed fraud and they're here legally, should they be deported?

KEITH ELLISON:

Have they been convicted?

ASHLEY MOODY:

If they are in the process and they have a background of a criminal conviction for any crime, should they be deported?

KEITH ELLISON:

People who have been convicted and are not authorized to be in the country should be removed.

ASHLEY MOODY:

OK, if they've been convicted and they have an application in process or they've claimed asylum, should they be removed?

KEITH ELLISON:

Don't we need to find -- I mean?

ASHLEY MOODY:

If they have a criminal conviction for fraud and they're here illegally or they have a process pending, should they be removed?

KEITH ELLISON:

Yes. If they have a criminal conviction for felony fraud and they're unauthorized to be in the country, they should be removed.

ASHLEY MOODY:

So, do you think it would shock the federal government when in January of 2026 you said, and I quote, we're going to -- we're not going to help the Trump administration. We're not going to devote the

resources of our state to help the Trump administration. That's not our business. We're not going to help them.

We're not going to do their bidding. Do you think it would --

KEITH ELLISON:

I'm glad you asked me.

ASHLEY MOODY:

Hold on. Do you think it would surprise an administration who's trying to go back and rid communities of people here illegally that are committing crimes to have the top law enforcement officer of the state say we're not going to help them?

KEITH ELLISON:

So, Senator, here's the thing, the federal government is a government of limited and enumerated powers, among them immigration enforcement. They have --

ASHLEY MOODY:

You should help remove people here illegally that have committed crimes. Should you help the administration?

KEITH ELLISON:

We should obey Minnesota and federal law. That's what we should do.

ASHLEY MOODY:

Does it surprise you that you said you think you have seven counties that have entered into 287G -- out of 87 counties, seven. Would it surprise you that Florida has every one of our counties signed up to

help the administration rid our communities of those that are here legally committing crimes?

KEITH ELLISON:

It would neither surprise me or not surprise me. I mean it's a -- states are different.

ASHLEY MOODY:

Does it surprise you that you're having all of these problems in Minnesota because you have a top cop that won't help rid its community of those here illegally committing crimes?

KEITH ELLISON:

You know what?

ASHLEY MOODY:

It's a tale of two states, a tale of two attorney generals and how this is all playing out. It should surprise no one in this country. And in fact, let me go a step further. It should surprise no one in this country that the problems that we have had in your state, as a result of a top cop not working with law enforcement to make its community safe and rid people here committing crimes, that you're seeing what has played out.

And let me just say one more --

KEITH ELLISON:

No, that's actually wrong, that's actually quite wrong. I do certainly disagree with that.

ASHLEY MOODY:

You cannot have an attorney general that posts pictures supporting Antifa with an expectation you are going to have a civilized, stable, safe community that works with federal law enforcement to deport criminals here illegally committing crime. That is a joke and it is also the reason why you have a crisis in law enforcement ranks.

You have such a high vacancy rate in your state because no one that wears a badge and does these dangerous jobs believes that their top cop supports them. And as the wife of a law enforcement officer, I think that is a shame and your state deserves better. My time has expired.

KEITH ELLISON:

Senator, I thought we were going to have a real conversation. I'd be happy to have one, but now I know that you don't really want one. So, congratulations on your theater.

RAND PAUL:

Time has expired. With that, this concludes our first panel. I'd like to thank our witnesses for participating in today's hearing. We will now transition to our second panel momentarily. [Recess] We will now begin our second panel. I'd like to welcome Joseph Edlow, the director of US Citizenship and Immigration Services, Rodney Scott, commissioner of US Customs and Border Protection, and Todd Lyons, the senior official performing the duties of the director of US Immigration and Customs Enforcement or ICE. It's the practice of the committee to swear in witnesses.

Will each of you please stand and raise your right hand? Do you swear that the testimony you will give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

UNKNOWN:

[Off mic]

RAND PAUL:

Thank you. You may be seated. The witness's opening statements have been submitted for the record. We will now play a video that has been authenticated. The audio has been reduced except for the sound of the gunshots at the end. We -- we'd just -- we'd advise the audience not to be startled by the gunshots at the end.

[Begin videotape] [End videotape] Society grants the use of lethal force to various police agencies, but that grant is not carte blanche. That grant comes with serious conditions. The grant to use lethal force is so ominous -- to use lethal force is so ominous that society only allows such force to be used in rare occasions.

Today we explore the rules of engagement, the rules for the proper use of force and the rules for the use of force that are proportional to the threat. My goal with this hearing is not to condemn or to argue to defund ICE. My goal is to restore public trust. If we don't admit that there's a problem, then we're not going to get anywhere.

Witness the thousands of people in the streets in Minneapolis and in Minnesota, and the millions of viewers who witnessed the recent deaths, it's clearly evident that the public trust has been lost. To restore trust in ICE and Border Patrol, they must admit their mistakes,

be honest and forthright with their rules of engagement, and pledge to reform.

I hope the leadership of ICE and Border Patrol here today will participate in a meaningful way today in the committee discussion on the proper use of force. We can roll the video or begin to roll the video. [Begin videotape] All right. Stop. [End videotape] So, what we see is the beginning of the encounter with Alexander Pretti.

He's filming in the middle of the street. We see two women that are, as you watch the video, jawboning, complaining, protesting, yelling, maybe not being nice, but they're protesting away. Let's keep the video stopped. And so, my question to Mr. Scott first, is -- is yelling at ICE officers or Border Patrol, is that a form of domestic assault on the officers?

RODNEY SCOTT:

No, sir.

RAND PAUL:

Mr. Lyons?

TODD LYONS:

No, sir, it's not.

RAND PAUL:

Ok. Is filming of ICE or Border Patrol either an assault or a crime in any way, Mr. Scott?

RODNEY SCOTT:

No, sir.

RAND PAUL:

Mr. Lyons?

TODD LYONS:

No, sir.

RAND PAUL:

Let's roll --

GARY PETERS:

Before you --

RAND PAUL:

Go ahead.

GARY PETERS:

Just a quick question for you, Commissioner Scott. So, we see Alex Pretti here. I think it went for -- a little further. But he is just holding a phone here. Is that correct? Is that what you're seeing, like the rest of us, Mr. Scott?

RODNEY SCOTT:

He's not on the screen at the moment, but that is what I've seen in that video up to that point.

GARY PETERS:

So, ok. Good. Just want to be clear, he's only holding a phone.

RAND PAUL:

Ok, let's -- let's roll it a little bit farther forward. [Begin videotape] All right, and keep going. Keep going and keep going past this. All right, now stop. [End videotape] So, what we've seen is the two women -- we don't know what they were saying. I don't think that's audible on anything. They were probably bugging, bothering, whatever, yelling, protesting at the officers, but I don't think they touched them in any way.

Do you think that -- or is it appropriate or is it an appropriate use of force to shove the woman to the ground here, Mr. Scott?

RODNEY SCOTT:

I can't answer that because this video does not show everything that led up to it, any encounters before. That investigation's ongoing. I think we will get that information, but we don't have it from this video.

RAND PAUL:

So, let's say hypothetically two women were yelling at one of your officers. Is it okay to violently shove them to the ground?

RODNEY SCOTT:

No, sir.

RAND PAUL:

Ok. Mr. Lyons?

TODD LYONS:

No, sir.

RAND PAUL:

Ok.

GARY PETERS:

If I could just put that up. So, I have a question. We -- we see the shove here. I think we're going to see her go to the ground in the image going forward, so we'll want you to verify that. I think you saw that video. You know that she gets pressed to the ground, Mr. Scott, there. So, I have before me here, this is the -- the actual -- the policy for Homeland Security where de-escalation tactics should be employed to minimize the likelihood of the use of additional force.

In fact, agents shall employ de-escalation tactics and techniques. Would you consider pushing a woman down to the ground a de-escalation tactic?

RODNEY SCOTT:

It can be, depending on the circumstances. I don't know what happened before this. If the officer thinks that doing that is going to prevent any kind of a physical encounter, if there's a weapon or anything else -- I'm not saying there is. I'm just saying, in certain cases, using hand to hand is a de-escalation.

GARY PETERS:

So, this woman, who -- we all can look at our eyes. I mean, this is the thing that's so frustrating for the American people and the 90 percent of people who have looked at these videos. This woman is clearly

trying to -- had her back turned trying to get away, and he shoves her pretty violently to the ground.

Just looking at that, would you think that that's not de-escalation, or are you just saying you can't answer that?

RODNEY SCOTT:

No, I'm not justifying that action. I'm saying I don't have enough information in front of me to say it is or is not --

RAND PAUL:

I think --

RODNEY SCOTT:

Because I don't know what happened before this video.

RAND PAUL:

I think what's important -- I think what's about the encounter isn't even the specifics of the investigation. It's about what are your officers trained to do. So, your officers are watching it. Some of them are here in the audience. Hopefully some are watching at home. And they need to know. They need -- they need an explicit.

So, there were people who said, and they were part of the government, I don't think they were any of you, but part of DHS and part of the administration said that, yes, the officers were using de-escalation tactics. Nobody believes that, all right?

GARY PETERS:

No.

RAND PAUL:

I'm just going to stipulate that. You don't -- I don't even need your opinion on that. No one in America believes shoving that woman's head and face in the snow was de-escalation. But your officers need to know they were -- they were -- had a verbal encounter with them. She did not place her hands on the officers.

She wasn't trying to get their weapon. It's not great. I mean, I don't -- I don't like to see these encounters either. But is it appropriate for the officers to respond to a verbal barrage of words or whatever? Is it proper to physically throw a woman down, or to throw anyone down?

RODNEY SCOTT:

If the only action is verbal, no.

RAND PAUL:

Ok. That's what I want to hear.

RODNEY SCOTT:

Yes.

TODD LYONS:

Correct, sir, same answer.

RAND PAUL:

All right. Do you have another point on this before we move on? Let's - - let's move on a little further. [Begin videotape] Ok. [End videotape] And so, here at this point, she's been -- she's on the ground. And this

to me looks not like an offensive maneuver. It looks like a defensive maneuver, holding his phone, holding his hand out to be sprayed.

I think the problem, what we have on so many of these images, and not just this one, all of the images that we see is really people being held and forcefully, from inches away, sprayed in the eyes with this stuff. And I know it depends on the circumstances, but there's -- there's got to be a better policy.

You guys have to figure it out. I mean, there was a -- there was a stark contrast when we see the array of ICE agents and Border Patrol agents and the Minneapolis State Police. And it is not an easy job. I -- you know, I have two policemen -- retired policemen that work for me. Being a policeman is not an easy job.

Being an ICE agent's not an easy job, being a Border Patrol. But the -- the Minneapolis policemen were standing there stoically with their arms crossed, you know? And you could say, well, they weren't getting all the crap thrown at them. That's true. But they also weren't launching tear gas back at -- you know, and grenade launchers of pepper -- pepper spray.

So, what is the policy, first Mr. Scott, for how we use pepper spray -- and not we, how the agent's supposed to use pepper spray and when?

RODNEY SCOTT:

In this case, they should be using it when there's active resistance or when they're trying to de-escalate to prevent using some other type of -- of a weapon or a tool.

RAND PAUL:

Right. I guess the -- do you have -- why don't we move forward just a --

GARY PETERS:

No, let me frame it up.

RAND PAUL:

Go ahead.

GARY PETERS:

So, I just want to be clear, because we all want to know that we're all seeing the same thing. Because this is the question. This is what -- the questions that the American people have because they've been hearing a lot from the administration, especially early on, and their eyes tell them something completely different.

So, what we just saw here is that we saw an agent pepper spray Mr. Pretti at a close range. Is that correct? Everybody saw that? Mr. Lyons, Mr. Scott?

RODNEY SCOTT:

Correct.

GARY PETERS:

It was at close range. He still just had a phone in his hand. And he puts his hand up to basically protect his face from being sprayed. Is that what you see? Is there something we're missing here?

RODNEY SCOTT:

I would have to watch the video again for that last statement.

GARY PETERS:

Can we do that, just look at it real quick?

RAND PAUL:

Yeah, we can go back and show the last 20 seconds again. Go back 20 seconds. [Begin videotape]

GARY PETERS:

Right here. A little bit more.

RAND PAUL:

And then go forward. Go forward a little more.

GARY PETERS:

Keep going a little bit more. Right there. [End videotape] So, what we saw is that the agent grabbed him, grabbed his -- grabbed him, pulled away with a spray, and he's putting up his hand like, oh, my God, you're gonna spray me in the face.

RAND PAUL:

Right. And see, the thing is, is we've got more than one problem here. I think that -- you know, I know -- I understand you not wanting to make conclusions yet, but nobody believes you're going to -- because you made conclusions immediately, not you but people within the government, made conclusions immediately that he was a terrorist and an assassin, that people aren't believing that it's going to be an honest investigation.

It's also been quite a while. And I'm one who -- I am very pro-law enforcement. I don't think, as terrible as this is, it's something that's a crime. I think it's terrible police work. But there has to ultimately be

repercussions. I think he is -- he is retreating at every moment. He's trying to get away and he's being sprayed in the face.

I don't think that's de-escalatory. That's an escalatory thing. So, while pepper gas, you might have a theory of how it might be a de-escalation, in this case, without a question, it is. But I can tell you, if we come back with a -- with a result and people say we looked at it and nobody's to blame for anything and there are no changes, I think it destroys the trust in ICE. You want this trust in ICE and Border Patrol agents, we've got to restore that.

And it doesn't mean that we have to do something inappropriate to these agents. But some of the stuff's inexcusable, I mean, and it's going to take -- it's going to -- and it's going to take -- conclusions are going to come forward. But right now, I don't know that the American public, you know, believes that there can be an honest assessment.

Who is doing the investigation?

RODNEY SCOTT:

So, multiple agencies are doing an investigation. The FBI is involved, FBI civil rights are involved, ICE is involved and CBP's Office of Professional Responsibility is involved. CBP's specific role is to preserve the evidence and really focus on what you're talking about, the administrative aspects of it and the training aspects to make sure that we are constantly getting better and better.

The criminal aspects are FBI. But there's a -- there's a lot of other video. There's body cam video that's all being looked at. And until all that evidence is evaluated, I can't jump to a conclusion on either direction. I would ask America to do the same thing. But I am

committed to transparency, to making sure all the information we have is made public when it's appropriate.

RAND PAUL:

So, you will release the officer's cameras?

RODNEY SCOTT:

Yes.

RAND PAUL:

Ok. Let's roll forward. [Begin videotape] Ok, we can stop. [End videotape] You know, so it goes on. I mean, he's standing up. He's trying to protect his eyes, but he's still back filming and -- and on the back of his heels. At no time in the encounter, we've gone forward a couple of seconds, do you see him try to strike an officer, nor does he brandish a weapon, which was alleged as well.

And so, we're going through this. And it's like, you know, they will say, oh, he's, you know, resisting at some point. I never -- I don't see any resistance, but it's kind of hard to tell. When you have six people on you and you're moving, are you resisting? I mean, anybody is -- the natural instinct is, when six people are on top of you, you're going to be trying to move.

You're not going to be placid, particularly after they've sprayed him several times. But I see nothing here, I mean, not even a hint of something that was aggressive on his part. Everything was retreat. He's over in the street. He retreats. He retreats. The woman is pushed to the ground. He tries to assist the woman to get up. He's violently sprayed, and it just continues.

And so, I don't think this should take months and months and years and years. There needs to be a conclusion. You want to calm things down. I think Tom Homan being there and now saying we're going to reduce this presence in the street is a good sign and a good step forward, and I'm glad that's happening.

I think that is de-escalation, true de-escalation in a diplomatic way. But we need to have answers here and there needs to be an announcement, these are the new policies, this is how we're going to interact with the public. Because the public needs to know too. You know, if I go to a protest and I shout something at people, could I be killed?

GARY PETERS:

Just a little further.

RAND PAUL:

Let's go back -- let's go a little further on the video. [Begin videotape] We -- we can stop there. [End videotape] The -- you know, one of the theories initially that was proffered, and I'm assuming is not true but I'd just like confirmation that it's not true, was that, as his gun was taken from him, it accidentally discharged, causing them to fire their weapons.

His gun wasn't fired, that Alex Pretti's --

RODNEY SCOTT:

I can't testify to that. I'm not -- that is under FBI's purview with the ongoing investigation. I can't answer that question.

RAND PAUL:

All right. Did you have another comment at this point?

GARY PETERS:

Go a little further.

RAND PAUL:

Go a little bit further. [Begin videotape]

GARY PETERS:

Go a little bit further.

RAND PAUL:

Yeah, just --

GARY PETERS:

Right there. Right -- stop. [End videotape] Yeah, stop that, if you would. So, if you had stopped that, I think what we saw right there, and make sure we're seeing this, that -- that the officer basically started to beat him with a pepper spray canister at that point. And that's right before we stopped that.

So, to both of you, is beating someone with a spray pan -- with a canister, is that de-escalatory?

RODNEY SCOTT:

I'm -- I'm not gonna answer --

GARY PETERS:

You gonna give me the same answer? You don't know if that's de-escalatory? Take it away from this incident. If you just saw someone

beating someone with a canister on the ground, would you think that's de-escalatory? Was that what --

RODNEY SCOTT:

We're leaving out -- what I'm seeing is a subject that's also not complying. He's not following any guidance. He's fighting back nonstop. I don't know what they're saying. I don't know what's going on in this situation. I know that they're all being interviewed what was going on, and that will be part of the official record.

But I -- I can't answer whether that's appropriate or not. It depends on what a reasonable officer saw at that time.

GARY PETERS:

So, is that part of training? Do you train officers --

RODNEY SCOTT:

Absolutely not.

GARY PETERS:

To beat somebody with a canister if there're only several officers holding someone down then you -- you know, if you really want to --

BERNIE MORENO:

Mr. -- Mr. Chairman, can I -- can I ask just a process question here? Are the people in those videos not entitled to Fifth Amendment and 14th Amendment protection of due process? It seems to me --

RAND PAUL:

If someone --

BERNIE MORENO:

It seems to me that --

RAND PAUL:

If someone --

BERNIE MORENO:

If we get to -- if we get to a place and time in America --

RAND PAUL:

Prosecution, yes.

BERNIE MORENO:

Where we have -- where we have a video that is the entirety of what is guilt or not guilt puts us in a very, very bad situation.

RAND PAUL:

I don't think anybody's assessing criminal guilt.

BERNIE MORENO:

Well, I think that's what we're saying.

RAND PAUL:

No.

BERNIE MORENO:

You're asking for conclusions.

RAND PAUL:

No, we're asking for conclusions for what is the proper use of force for all agents.

BERNIE MORENO:

But -- but you're asking specific questions about a video.

RAND PAUL:

And the answers have been generic answers. We haven't gotten any answers --

BERNIE MORENO:

As they should be.

RAND PAUL:

Correct.

GARY PETERS:

That's correct.

BERNIE MORENO:

As they should be, by the way.

RAND PAUL:

And so --

BERNIE MORENO:

And I just want to point out that these American citizens who are entitled -- are entitled to Fifth and 14th Amendment protections, and for us to make certain that we keep that in mind as we ask these conclusive questions.

RAND PAUL:

They do. For -- for a court of law and for any criminal proceeding, they absolutely deserve that. We're going to move on to a first round of questions. And we're -- I'm going to pass mine to Senator Johnson, and I'll reclaim mine later.

RON JOHNSON:

Mr. Chairman, first, are the witnesses going to be providing testimony?

RAND PAUL:

They've been taken for the record. They had -- they've been taken for the record. They gave the same public testimony yesterday.

RON JOHNSON:

Oh, I wanted to hear from them. Ok. So, there was a real disconnect in our first panel in terms of Congressman Emmer and the representative from -- from Minnesota state legislator versus the attorney general and fellow in charge of prisons in terms of the level that Minnesota was cooperating with ICE and with Customs and Border Patrol.

Were you listening to that opening panel?

RODNEY SCOTT:

Yes, sir.

TODD LYONS:

Yes, sir.

RON JOHNSON:

So, I'll start with you, Commissioner Scott. What would you agree or disagree with in terms of what was said in that first panel in terms of the -- the cooperation or lack of cooperation -- cooperation? Because according to -- Attorney General Ellison said they were perfectly cooperating and -- and there shouldn't have been any problems here.

And I think that the -- the statement he used is they -- it was because of the unprecedented nature -- let me get the -- well, just say, again, there was -- it was because of the scale of the surge, that that's what caused all the problem versus Minnesota cooperating or not cooperating.

RODNEY SCOTT:

Yeah, that's not accurate at all. I actually met with the attorney general when I went up with Tom Homan. We initially had conversations. The reason that CBP surged a bunch of resources into Minneapolis is because ICE couldn't go do arrests without being violently assaulted, and they were not getting support from state and local law enforcement.

RON JOHNSON:

So, talk about the kind of arrests. Because, you know, we heard from here, and quite -- quite honestly, didn't get the -- a complete answer from the fellow from the prisons when he said, as long as there's a

judicial order. And I was wondering, well, does he mean from an Article Three judge or is he talking about the administrative law judges that we use for enforcement of ICE? So, was that a distinction?

Were they only going to honor and they're only going to cooperate with Article Three judicial orders, or did they concede the fact that, you know, we handle federal immigration law through the administrative law judges?

RODNEY SCOTT:

So, I would defer to ICE on what the normal processes were.

RON JOHNSON:

Ok. Mr. Lyons?

TODD LYONS:

Yes, sir, I can speak to that. It's both, sir, judicial and administrative. They did not cooperate at all. I -- I can give you an example.

RON JOHNSON:

Oh, please give me -- give me multiple examples.

TODD LYONS:

I can give you an example where ICE Enforcement and Removal Operations and Homeland Security Investigations, we did execute a criminal warrant for an individual from Ecuador who fled the state of Connecticut that was wanted for the state of Connecticut for a rape of a 14 year old minor. He did have a murder warrant from Ecuador.

And we did not have any cooperation with that. You know, going back to the search part, we did have --

RON JOHNSON:

Just -- just describe no cooperation. I mean, so --

TODD LYONS:

So -- so, we had to --

RON JOHNSON:

Walk through here. So, you got this -- you've got this warrant from somebody who's, you know, convicted of -- or I guess convicted of a -- of a violent crime or just wanted on a violent crime. I mean, be specific. Talk about this -- this instance.

TODD LYONS:

This incident, sir, the subject was wanted from the state of Connecticut, fled the state of Connecticut after on a not -- a detainer was not honored in the state of Connecticut. He was wanted for rape of a 14 year old minor. He was --

RON JOHNSON:

But he wasn't convicted. They made a big deal about, oh, it's got to be a convicted criminal.

TODD LYONS:

No, sir. It was -- it was a -- it was an actual criminal warrant from the state of Connecticut. And that subject was also wanted on an Interpol warrant because he was wanted for homicide in his home country,

and he was also illegal reentry, 8 -- 8 USC 1326. So, he was a criminal.

RON JOHNSON:

So, you understand the point. Again, they were making a big point, it has to be convicted. AG Ellison kept saying, well, is the person convicted of the crime?

TODD LYONS:

Well, sir, I think we have to start first, is the person even supposed to be in the country in the first place.

RON JOHNSON:

I -- I understand. But -- but -- so, I'm just trying to point out, does -- is that a valid criteria? The -- the -- Attorney General Ellison was talking about, well, if -- as long as this person's been convicted of a crime. That's not required, is it?

TODD LYONS:

No, sir. It's --

RON JOHNSON:

I mean, the person's here illegally. There's a warrant from -- you know, from a different country as well as from state of Connecticut. So -- so, with this individual, what did Minnesota not do? What -- what was requested of Minnesota or Hennepin County or whichever --

TODD LYONS:

So, sir, the, you know, Minneapolis Police Department, the Saint Paul Police Department, they're -- you know, by city orders, they don't cooperate with us. So, for instance, we asked them to hold a perimeter or hold a street. That's why we need more officers agents. We would have to go ahead and hold down that city block.

Unfortunately, obviously those vehicles do stick out. Obviously, we use -- based on a subject's criminal history, we use an armored vehicle. Once that's seen, agitators started coming to the scene. So, now while we're trying to effectuate a criminal arrest warrant in an apartment building, small stairwell, fatal funnel, we have to go ahead and hold down the outer perimeter where, if we had the cooperation of a state or local agency to work with us on that fact, we wouldn't have to have that many officers.

RON JOHNSON:

Why weren't the state and local officials interested in arresting this individual with the multiple warrants on them? Just -- just because it was an illegal immigrant?

TODD LYONS:

Just -- it was because it involved an ICE operation, sir.

RON JOHNSON:

So, any other -- if it's an American citizens with that kind of warrant from Connecticut, local police would have been doing this job themselves?

TODD LYONS:

I can't speak for them, but I would assume so, sir. I -- I was a civilian police -- I was a cop before ICE, and that's what we did.

RON JOHNSON:

So, talk about the -- the violence, the threats, the doxing against ICE officers. Because, again, that's where I've got a great deal of sympathy for people trying to enforce the law. They've been shot at. They've, you know, had their vehicles rammed, rocks thrown through vehicles, doxed. You know, in Central America, I found out that if you become new police chief, you get a DVD from the friendly drug cartels with your children and wife going into school and going to church.

I mean, it's an explicit threat, hands off or we're going to do something. Well, there's such a demand for unmasking ICE officers, but they've been down. So, just -- just talk about the -- the violence, the threats, the doxing, the -- that your law enforcement officers are -- are really under.

TODD LYONS:

So, sir, it's day to day. If you -- you know, I was the field office director for the state of New England. I covered all New England. And if you looked at the beginning of the operations beginning, oh, you know, January 20th up until April, ICE officers and agents weren't masked. But it's bad, and I'll just use myself as an example.

The week that Charlie Kirk was assassinated, there was a tweet that went out. It said kill Charlie. Kill another -- and there was another individual in that, kill Todd Lyons. That's the stuff that ICE -- yesterday after the testimony, on Tuesday I went back to numerous death threats against my family. There was a videotape of my wife walking to work that people actively posted.

The cartels have actually posted the schematics to my home. ICE agents feel that every day. We actually did an operation with the Secret Service where we identified doxers who put up on telephone poles the home addresses and the schools where ICE officers and agents went to, but yet no one covered that operation.

We covered that as a success. And I don't want my officers masked. I would work with this committee and any committee to work with holding individuals accountable that dox ICE agents, because ICE agents don't want to be masked. They're honorable men and women. But the threats against their family are real.

RON JOHNSON:

Ok. Thank you.

RAND PAUL:

Senator Peters?

GARY PETERS:

So, we just watched on the video of -- previously American citizens that were basically being manhandled and pushed and -- and hit and beaten with canisters. We -- we didn't see on the video, but 95 percent of them -- or 90 plus percent of Americans who have seen that video also shot -- Alex Pretti shot ten times while laying face down in the -- on the -- in the back by law enforcement officers.

And we also know he was basically just holding a phone, holding a phone, being manhandled and shot ten times. So, I just want to confirm with you, filming federal officers on a public street is not illegal, is it, Mr. Scott? Mr. Lyons.

RODNEY SCOTT:

Correct.

TODD LYONS:

No, sir.

GARY PETERS:

He did not -- at least looking at the video, all of us who've watched the video, he did not attempt to harm law enforcement. No appearance of that. Is that correct?

RODNEY SCOTT:

I don't know what happened once he was on the ground, sir.

GARY PETERS:

When he was laying face down with several people on top of him, is that what --

RODNEY SCOTT:

With the weapon in his waistband initially, I -- and I'm not trying to make excuses. I'm just saying I can't jump to that conclusion because I don't know what happened on the ground. That's why there's an investigation still ongoing, standing up. I would agree with what you just said.

GARY PETERS:

Ok. So, when he's on the ground with a bunch of officers on top of him, after he's been hit with a canister, he was somehow still possibly

harm to law enforcement? You're saying it's possible.

RODNEY SCOTT:

That's happened thousands of times, yes. And --

GARY PETERS:

Mr. Lyons, really? That's -- you saw him then as a possible threat.

TODD LYONS:

Sir, from the -- you know, that wasn't an ICE operation. That was a CBP operation.

GARY PETERS:

I get it. But you're just as -- you're a highly trained professional.

TODD LYONS:

Yes, sir. Now, you know, obviously there's not enough evidence to speak to, but that's the -- the best thing about this is the fact that I can speak for ICE Office of Professional Responsibility as well as CBP, that they're the same, that we have to have a full investigation and it has to come out.

GARY PETERS:

Ok.

TODD LYONS:

We have to base that training on that.

GARY PETERS:

So -- so, you have to have a full investigation. What everybody saw in the video, there might be some extenuating circumstances. We just don't know, but the video is very clear. And yet we had the Trump administration claim that he was attempting to inflict mass casualties. You're gonna have to explain how you had that come to that -- how the Trump administration came to that conclusion when you can't even come to the conclusion that he may have been resisting when he was laying flat on his back with -- being beaten.

How did they come to the fact that he was going to have those mass casualties? And then quote -- and Secretary Noem said he was committing "an act of domestic terrorism." What you saw in that video, you know, is that what you train your officers, someone laying on the ground, that's an act of domestic terrorism?

I -- I -- Commissioner Scott and Acting Lyons, did you -- did you provide Secretary Noem with an assessment of what Mr. Pretti was engaged in and that he was engaged in domestic terrorism? Is that why she said that, is because you told her that was your belief at that time, even though you need an awful lot of investigation now to know exactly what happened?

Are you the ones that told her that?

TODD LYONS:

No, sir.

RODNEY SCOTT:

No, sir.

GARY PETERS:

Did anyone who reports to either of you provide this assessment to Secretary Noem, that this was mass casualty -- or he was attempting to inflict mass casualties and domestic terrorism? Did someone in your staff tell her that?

RODNEY SCOTT:

Not to my knowledge, sir.

GARY PETERS:

So, why -- why would Secretary Noem, why would she tell the public that this was an act of domestic terrorism when -- right in the heat of the moment? How would she possibly come to that kind of conclusion to tell the American public that when they're watching this video?

RODNEY SCOTT:

I can't speculate on what someone else would say or why, sir.

GARY PETERS:

Mr. Lyons?

TODD LYONS:

Sir, I can't speculate to what the secretary thought at that time, sir.

GARY PETERS:

So, it seems to me a really big question, which means that we have to have Secretary Noem here. She deserves it to the American -- or the American people deserve to have the secretary, the person who is responsible to -- you are responsible to, and all the men and women in ICE answer to her, she needs to be before this committee.

She ducks coming out in public and talking, and hasn't accepted prior invitations to come to this committee. I would hope the chairman would invite her, because this is an important question. How could you come to those conclusions, those narratives, before any evidence was there? Even after all that's happened since then, you too are telling me you don't have enough evidence, even though it looks so clear on the video.

It should have looked really clear to her if she looked at that video. She had it that close. A lot of this got posted pretty quickly. How she came to those conclusions, I don't expect you to know that. You didn't provide any information to her, which makes me question it even more. If she got no information from you in the line of -- in the chain of command, how would you come up with that kind of narrative if the chain of command wasn't doing it? Acting Director Lyons, we have all seen multiple instances of DHS personnel jumping out of unmarked cars.

They will have weapons drawn. They're wearing masks. They don't have clear identification. And this, of course, immediately will escalate an encounter with the public. There's -- there's no way around it, that that's not escalatory when you see that coming at you. Often these masked individuals are only wearing a sign on their vest that just says police.

This is the type of vest that can be easily purchased by anyone and used to basically impersonate an officer. In fact, last year, this administration, the Trump administration's FBI released a bulletin entitled -- and I'm going to put this in the record without objection, Mr. Chairman -- criminal actors impersonate ICE agents to commit violent crime.

Are you aware of this bulletin put out by the FBI?

TODD LYONS:

Yes, sir.

GARY PETERS:

Mr. Scott?

RODNEY SCOTT:

Yes, sir.

GARY PETERS:

So, I'll put this in the record, if I may, Mr. Chairman. So -- so, given this, the FBI is warning people that criminals are impersonating immigration officers. My question to you is how can you expect any US citizen to follow orders from an unidentified masked man surrounding them, given we know there are these impersonators out there that are, according to the FBI, committing a lot of crime?

Because they're terrified. They don't know what's going on. They don't know who these people are, or they falsely believe they're a federal agent and they aren't. They're a violent criminal. So, I mean, these tactics are causing fear. They're chaos in our communities. That's why we need, I think, to have common sense reforms to rein in these practices.

So, what we're advocating is that the men and women who are federal agents just follow the same rules that our local police follow. Our local police are highly professional. I have the greatest respect for them. They do amazing work and put their life in -- in harm's way regularly, but they have a set of rules that they have to follow.

And that's not happening with what we're seeing with both -- or with agencies related to the federal government. So, I think we should have a legitimate discussion about that safety and reasonable practices going forward. And I would hope that you would support that. Just in general, do you think that you should follow the same rules of -- of -- those followed by local police in our communities?

Is that reasonable, Mr. Scott?

RODNEY SCOTT:

I believe you're talking about uniform standards.

GARY PETERS:

Yep.

RODNEY SCOTT:

In CBP, we do. You have to have a name tag. It has to be clearly identified. There are times we've made exceptions on the name tag and we used a different identifier. But it was an individual identifier so people knew who they were. And all of our agents and officers have to carry their credentials with them and their real badge with them.

GARY PETERS:

So, other -- I mean, all across the board, other -- there are a wide range. We've put together a proposal of a wide range of practices that have been adopted by police organizations all across the United States of America. Would you feel comfortable abiding by the same kind of regulations and guidelines that local police follow on a whole host of issues?

RODNEY SCOTT:

I would look at those. I believe that very -- different organizations -- different law enforcement organizations have different considerations. But the general concepts, yes, and I think we do currently follow them.

GARY PETERS:

Mr. Lyons?

TODD LYONS:

Yes, sir, I'm open to that. But one thing I'm also open to too, sir is looking for the help from this committee and other elected officials, not only to help us bring down the rhetoric, but help us to hold those people accountable that are threatening ICE officers and agents. I think to dispel the fear the men and women of ICE, that'd be huge.

That would be a real step forward.

RAND PAUL:

As -- as we've looked at the complaints, and Senator Peters has brought this up, one of the things from a lot of the different videos that are out there is the complaint that the officers are quick on the draw. Basically, they're drawing weapons. I know there are rules for the police drawing weapons. A lot of times I've been told you don't draw unless you're planning on using it, unless there really is an imminent threat.

There is some subjective nature to figuring that out. But, you know, there was one video of a woman-- you don't have to come out on the specifics, but, you know, a hypothetical woman has come to a stop.

She has not brandished a weapon. Her car is stopped. The ICE agents get out, all guns drawn. That, to me, doesn't seem like it would be consistent with your policy.

What is the policy on when you draw your weapon? Each of you, Mr. Scott first.

RODNEY SCOTT:

Within CBP, when the officer feels there's a threat. But in this specific -- like, the scenario you outlined, and not that specific but with the vehicle, the vehicle can and is often used as a weapon. When we train to do felony stops, basically the officers, when they stop that vehicle, they're trained to have their weapons out and ready because they're stopping a felony.

So, it's not that -- it's not that simple that you have to wait until you see a weapon. Sometimes it's literally that officer presence to keep the situation under control. But the weapon's only supposed to be pulled when the agents believe that that is required to effect that law enforcement action.

RAND PAUL:

In this instance, I don't think it was a person that was targeted. I think it was a person they might have had some suspicion of. It wasn't a person that was targeted. The -- the problem is, is that I don't -- nobody really looks at this, particularly this one instance, and thinks the police would do it that way.

When police make traffic stops, they avoid the car. They come from behind the car. They'll often have their hand on their weapon. But you almost never see a policeman with a gun drawn on a traffic stop or any

kind of stop, unless they've either seen a weapon or they really are in fear of their life. I think, and this is just my opinion, you have to look at what your rules are for -- for drawing weapons, because it appears to me they're not, uh, using the same standard as the police.

TODD LYONS:

Sir, I can just speak to my experience. Um, I've done thousands of traffic stops. Like I said, I was a 10 year city police officer prior to coming to ICE. Um, and obviously our training, we do fall back on the two main Supreme Court decisions, Tennessee versus Garner for one. And you know, we can't speak to the totality of the circumstances, especially in the case where we don't know exactly what it is, and we can't go to that officer's mindset.

So each one is separate. But if you look at the use of force curriculum in the pyramid, you know, officer presence does -- is include one of those things. So to your point, sir, um, to your point, I've done it many times myself, felony traffic stop. You know, in the case of ICE, oftentimes, we do know it's a, you know, a felon or wanted felon that we're going after.

The firearm may be drawn, but again, each -- each case is --

RAND PAUL:

I think it does make a difference whether you're stopping a target who's a felon stop versus stop being a random person. In the instance that was displayed recently in the news, I don't believe it was a felony stop. I don't even believe it was a targeted stop.

TODD LYONS:

No, sir, and that's what I meant to your point --

RAND PAUL:

This, I think, probably was somebody filming that was annoying them or pestering them and then they went and they -- they followed the person and stopped them. And I think the weapons being drawn was inappropriate. But I would suggest that you need to look at these and you need to look at the policy because I don't think they're living up to the same standard of the police.

You know, I think the police, frankly, are better trained, which is the other complaint that people have had, have we rushed some of the people into the job, you know, and have we not had adequate training? Senator Lankford.

JAMES LANKFORD:

Gentlemen, thank you. And if you pass on a thank you to the men and women that literally put their lives on the line for the sake of the country every single day, I'd appreciate it, because we hear story after story of death threats on ICE agents, on CBP folks that are being randomly attacked, of vehicles being rammed into their vehicles, of rocks being thrown at them, of threats that they have against their life and against their children.

We hear it frequently and it's not just random. The ICE facility in Dallas, where somebody just got up on a rooftop and started just open firing into a facility, killing two people not legally present in the country, but certainly were targeting just a random ICE agent in the process. The very real threats that they face every day has got to wear on them.

So if you pass on our gratitude to the folks that are putting their lives on the line every day and facing those kind of threats for the nation, a

lot of folks are not willing to be able to do that, so please say thanks to them.

TODD LYONS:

Yes, sir.

JAMES LANKFORD:

I would also say thank you as well, two years ago, we had 10,000 people a day illegally crossing into the country two years ago. 10,000 people a day not vetted. We had no idea who they were. 70,000 people were estimated by the Biden administration to come in, in 2024 that were special interest aliens that had a connection to terrorism, but we had no idea who they were.

They were allowed to be able to come into the country two years ago. The work that the men and women that work around you have done have stopped that chaos. Now we're -- now we're discussing serious and tragic incidents, but I think we're losing perspective of really what's happened. And the amazing thing to me is in the next 48 hours, we're arguing whether we're going to cut off funding and defund ICE and defund CBP and defund USCIS. And also, my Democratic colleagues are demanding to defund all of DHS, including Coast Guard, Secret Service, FEMA, CISA that handles our cyber security, all of them just be defunded because they're angry about this incident that is under investigation with multiple entities to be able to go through the investigation.

So the frustration that I have is, I understand these are hard issues that we should spend time talking about because they're tragic and awful, but also, thankfully, rare. There are thousands of arrests that are happening in a day that are happening by the book. And what's

happening is a group of protesters that are protesting and agitating and some of them running into churches and disturbing church services and saying it's my First Amendment right to shut down your church during a service and saying they're a peaceful protester while they throw rocks at agents.

It just gets old, I'm sure, for a lot of those agents that are trying to do their job. Because the -- the few incidents and they are few thankfully, get highlighted in the thousands of arrests in the 70 percent of the arrests that have been picked up that are criminal aliens that are being removed from our country.

Very few people are stopping to be able to say thanks to you. So I just want to make it clear what's actually happening. So I do want to drill down on a couple of things. This issue came up about final order of removal. What percentage of folks that actually have a detainer put on them nationwide or that are in removal processes have a final order of removal?

Does anyone know that number, that percentage?

TODD LYONS:

No, sir, not the percentage. I can give you the -- what we're tracking right now is about 1.6 million final orders in the United States, with approximately 800,000 of those having criminal convictions.

JAMES LANKFORD:

Correct. Of those -- of those folks, there's this debate against the final order of removal and whether they should be honored in detainers in states like Minnesota or what that actually looks like. As my colleague, Senator Johnson was saying, the attorney general kept saying, well, if

they're convicted, then I'm going to honor it, but then came back later and said if there's a final order of removal, it's my understanding that the vast majority of these folks that are being removed have a final order of removal on them already through a court.

TODD LYONS:

Yes, sir, through an immigration judge with the Department of Justice, separate from Immigration Customs Enforcement.

JAMES LANKFORD:

OK. So I do want to talk about the Minnesota whole tragic incident and where we are on things. There have been operations in Memphis and in New Orleans and in North Carolina and multiple other places where there weren't incidents like this. Was there a difference in how command and control was actually done in Minnesota that was different in other locations, or how was command and control actually handled in Minnesota?

TODD LYONS:

Sir, command and control started with Immigration and Customs Enforcement. Obviously, we've always been in the state of Minnesota. Like all 50 states and territories, we always have offices. We were there, which we like to really point out the fact that we were there for the fraud case originally. Um, the immigration piece did come into.

Right now there's 16,840 final orders at large in the state of Minnesota, which the officers and agents were there for. Um, the one problem that I have to point out different than, um, you know, and it was brought up earlier is the fact that, you know, ICE agents, special

agents, deportations officer do respect First Amendment right of anybody.

Myself, I've had people protest, yell, that's just part of the business. The issue we were dealing with there is when we had organized groups, and I just was looking at, again, one of the fliers that was put out, when it said how to impede ICE operations and arrest. And it told white people to put their body between the criminal alien and the officer.

Um, speaking from experience, prior law enforcement officer, if I was on the side, say, at I-4 traffic stop, when I was in Florida, and someone came up to me while I was arresting someone for being a habitual traffic offender, which is a civil violation and someone gets between me, I'm going to arrest them.

JAMES LANKFORD:

Right.

TODD LYONS:

People were actively told to go out there and impede, arrest -- not arrest, impede -- um, to help the people we arresting escape and ram vehicles. That's the complete difference which led to the escalation.

JAMES LANKFORD:

OK. Uh, when we -- um, I do want to talk a little bit about other things that are going on here, if I can have just a moment on this. Mr. Scott, tell me a little bit about -- we've allocated \$170 million, which is a big dollar amount, part of that is going to border wall into what we deem to be better security long term at our southern border and at our northern border.

We can talk about that at a different time. What is happening right now with construction on the southern border, those dollars have been allocated. We don't have a report yet what's actually going on.

RODNEY SCOTT:

Thank you. Yeah, we're building the new smart border wall at a record pace. There's about 35.9 miles of actual barrier that we've installed just since January. That's a combination of waterborne and the actual border wall. But there's 30 miles of new actual border wall. About two miles a week are currently being built.

Uh, that will be ramped up dramatically as many of these contracts come on board. But I do want to take a minute to highlight, no matter what we do on the southwest border, we've learned if there's not a consequence once you get past us, the flow will never stop. So a big reason the flow slowed down is because we're actually arresting illegal aliens inside the United States and sending a message globally that we're not going to tolerate this anymore.

That's why CBP supports the interior operations to the maximum extent we possibly can. This all works together. We're also rolling out technology. It's not just the border wall, it's a smart system, new aircraft coming on. And as you know, we're hiring more agents and officers and making sure that they're trained to the highest professional standards available.

JAMES LANKFORD:

Great. Thank you.

RAND PAUL:

Senator Hassan.

MAGGIE HASSAN:

Well, thank you, Mr. Chair, and good morning to our witnesses. Just a brief note, even if the current funding bill stalls or is not passed, that would fund the Department of Homeland Security. The department has an extraordinary amount of money at its disposal right now, because it was funded -- the big tax bill that my Republican colleagues passed last summer.

So I just want the American people to be clear about that. Um, Mr. Lyons DHS officers have killed two American citizens in Minnesota this year. What were their names?

TODD LYONS:

Whose names, ma'am? Sorry.

MAGGIE HASSAN:

The two American citizens who were killed by ICE DHS officers in Minnesota, what were their names?

TODD LYONS:

Renee Good and Alex Pretti.

MAGGIE HASSAN:

Well, I'm glad to hear you say their names out loud, because so far this morning, as well as in three hours of testimony on Tuesday before a House committee, you failed to say their names a single time. Why?

TODD LYONS:

Ma'am, I didn't neglect their names. I was answering the question and I -- ma'am to your point, I did give my condolences to the family and requested to meet them personally to give my condolences on behalf of the officers and agents involved.

MAGGIE HASSAN:

Well, Renee Good and Alex Pretti were human beings and they're dead. Before they died, they had families and friends who loved them and were loved by. And it seems to me that too many at ICE have lost sight of the fact that they are interacting with real people, not nameless, faceless numbers or political targets.

When we dehumanize our fellow human beings, that's when these kinds of tragedies happen. Now Mr. Lyons, were Renee Good and Alex Pretti domestic terrorists.

TODD LYONS:

Ma'am, while that investigation is ongoing, to my knowledge, no.

MAGGIE HASSAN:

So to your knowledge, no?

TODD LYONS:

Well, with the information -- I can't speak to it because it's an ongoing investigation and we will make everything transparent, which I've already committed to at the last hearing. But --

MAGGIE HASSAN:

So in your testimony on Tuesday, you said that you don't want to comment on these ongoing investigations because you don't want to,

quote, impede or, quote, bias the investigation. Is that what you said?

Is that right?

TODD LYONS:

Yes, ma'am.

MAGGIE HASSAN:

So Secretary Noem and Stephen Miller have called Renee Good and Alex Pretti domestic terrorists. So did Secretary Noem and Stephen Miller's comments impede or bias the investigations?

TODD LYONS:

Ma'am, I don't want to comment on what comments they made.

That's their comments. But again, I don't want to put my finger on the scales of the investigation. It'd be too presidential.

MAGGIE HASSAN:

Well, I understand you don't speak for them and I'm not asking you to. I'm asking whether having the secretary of Homeland Security and the president's homeland security adviser call the subjects of an ongoing investigation domestic terrorists, whether they're doing that impedes or biases those investigations?

TODD LYONS:

Ma'am, again, thank you for saying that I don't represent them. I just think -- I can't speak to that because --

MAGGIE HASSAN:

But you don't speak for them.

TODD LYONS:

-- because I don't know what information was presented to them at that time. So again, I don't want to --

MAGGIE HASSAN:

Look, your testimony doesn't make any sense. If it would impede or bias the investigations for you to say right now when you know a lot more than we did right after the shootings whether Renee Good or Alex Pretti were domestic terrorists, if you sang that today would impede or bias the investigations, then why wouldn't it impede or bias the investigations for Secretary Noem and Stephen Miller to say the same thing about the same people?

TODD LYONS:

Any -- any comments that are made publicly, privately, text, email or Instagram post, whatever, is going to -- is going to put a bias on information.

MAGGIE HASSAN:

OK. So that is important. So I take it that you are saying that Secretary Noem and Stephen Miller were wrong to say what they said.

TODD LYONS:

No, ma'am. Again, I can't speak to them, but what I would just say to is, again, career law enforcement officer, myself and Mr. Scott, you know, we won't speak to those type of things because we don't want to [inaudible]

MAGGIE HASSAN:

Are you not -- are you not kind of just being straightforward here and saying what's obvious because you're worried that if you do, you'll be fired?

TODD LYONS:

No, ma'am.

MAGGIE HASSAN:

The fact that you're unwilling to admit that Secretary Noem and Stephen Miller were wrong to say what they did, that they impeded and biased the investigation is indicative of the complete failure of leadership at DHS and at all levels of this administration. Now I want to move on to one other issue. Are you aware that ICE has identified a commercial warehouse in Merrimack, New Hampshire as a site for a new detention center?

TODD LYONS:

Yes, ma'am.

MAGGIE HASSAN:

So the town of Merrimack wasn't consulted about this plan, but when they eventually heard about it, town leaders wrote to Secretary Noem voicing their concerns and opposition to the plan. And I have shared those concerns with DHS. Now my colleague, Senator Wicker from Mississippi, expressed similar concerns about a proposed ICE facility in his state.

ICE has now canceled that Mississippi project. So will ICE similarly cancel the New Hampshire project based on these concerns and local opposition?

TODD LYONS:

No, ma'am. Uh, actually DHS has worked with Governor Ayotte, has -  
- has spoken to the governor about economic impact. We did provide  
an economic impact summary of --

MAGGIE HASSAN:

And when -- when exactly did you speak with Governor Ayotte,  
because until recently, she said she didn't know anything about it?

TODD LYONS:

DHS officials, ma'am, spoke with -- in the past weeks, but I can take  
that as a get back and get the exact time for you.

MAGGIE HASSAN:

Let -- let me be very clear, the people of Merrimack, their leadership  
do not want this ICE facility in their community and I think I can  
safely say that I have yet to find a Granite State community that does.  
Um, their worries go from the concerns about the way ICE is  
operating detention facilities to the fact that they will lose significant  
property tax value to their community.

They have not been consulted. We have a long tradition of local  
control and participation in New Hampshire and we expect that you  
will be sitting not just with the governor but with local officials so that  
they can understand what the impact will be on their community. Um,  
there are also significant concerns about the way ICE is operating  
some detention centers, the fact that measles outbreaks are  
happening in some of them.

Uh, so, um, I would -- I would hope that I would get the same treatment that Senator Wicker got, which is to say, uh, the town doesn't want the detention center, so please cancel it. And I would expect that my partisan affiliation shouldn't make any difference to that determination. Thank you, Mr. Chair.

RAND PAUL:

Um, I think it's important for that exchange just to acknowledge what Mr. Lyons, I do believe said, and he said that he had no knowledge that either of the ones that were killed were domestic terrorists. That is correct. To my knowledge, no, sir. OK. Say again.

TODD LYONS:

To my knowledge, no, sir.

RAND PAUL:

Yes. All right. Uh, Senator Scott.

RICK SCOTT:

Thank you, Chairman. So, um, I think we can all acknowledge any loss of life is a tragedy. Um, and, um, so for Renee and Alex Pretti, your heart goes out to their families, um, and, uh, you wish it didn't happen. Um, so from Florida, what we do is we always do an investigation afterwards, if there's an officer involved shooting.

And I just want to thank you all for doing the investigation and I hope it's thorough and we get -- we get all the facts and -- and people stop saying they know all -- the answer before the investigation is done. So I've been on this committee for seven years and so, um, I came on during Trump's first term and all I heard from my Democratic

colleagues was all they did was attack CBP. I've never heard them do anything other than when somebody's coming testify, scream at them about what a crappy job they were doing.

I think it's -- I think what CBP does and ICE does, I can't imagine how difficult it is. Um, what frustrates me is during the Biden administration, I don't remember my Democratic colleagues once questioning them about why they're allowing in all these terrorists, criminals, drug traffickers, ever. So I mean we don't want to, you know no one wanted Renee Good to die or Alex Pretti.

But what about Laken Riley or Jocelyn Nungaray, or Rachel Moran, any -- any of these individuals? What about all the rapes that we've heard about all around this country? So what's -- what frustrates me is that -- is that what you all are doing is unbelievably difficult and you're trying to clean up the crap that the Biden administration gave you.

We have no earthly idea how many criminals are in this country. We have no idea, but we know there's a lot. We don't know how many gang members are in this country. And think of how many -- how many people -- our friends and neighbors have died of drugs that have come across our southern border. That's never been a concern for the Democrats on this committee.

I've never -- in seven years, I've never heard them complain about that. All they do is complain about how you guys do your job. So I don't get it. I don't get it, how -- I was a governor. I thought there was basically three things I expected to do, help people get a job, help their kids get a good education, keep them safe.

And the most important was keep people safe. That's what you guys are doing every day. How can a mayor or a governor not want to cooperate to keep people safe. So what's it like when -- when -- so

when -- when somebody is in a jail, like when -- when you were in Florida, did our sheriff's office and police officers, did they -- if -- if, uh, if somebody was being released that was an illegal alien and had a criminal background, did they say no, we're not going to talk to ICE? Is that your experience?

TODD LYONS:

No, sir.

RICK SCOTT:

So have we had all these protests in Florida?

TODD LYONS:

No, sir.

RICK SCOTT:

Have you had problems with -- have you had problems with ICE-involved shootings in Florida?

TODD LYONS:

No, sir.

RICK SCOTT:

Why?

TODD LYONS:

I think, sir, it's just the cooperation factor. That's a huge, you know portion of it. And if I could, sir, you know, when it comes to detainer, ICE respects state law as well. Minnesota has it where they can't hold

individuals based on detainer. Massachusetts has a decision where they can't hold individuals.

RICK SCOTT:

Why would they have that? How is that help -- how does that help anybody that lives in that community?

TODD LYONS:

Sir, it doesn't help public safety, but what I would ask is that even with the detainer, if you don't want to hold that person and it violates your state law, at least give us the chance to make that phone call. And I can give you an example from my time in Massachusetts. There was always the fact that we kind of felt like Charlie Brown with the football.

They would say they were going to cooperate, but they would call knowing that there was only 12 ICE officers available to respond from Boston, Massachusetts to Cape Cod. And they told us we had 15 minutes to get there. But at the end of the day, when that individual was released, they still -- they still said, we called ICE. And unfortunately, there was way too many cases where we had an individual on Cape Cod in Barnstable County that was arrested for rape, was released under detainer and then went and raped again.

So those are the cases that ICE is really concerned about. And if you don't want to hold an individual in custody longer than state time, by all means, ICE respects that. But please pick up the phone, give us the opportunity to come there and make that arrest.

RICK SCOTT:

So when they don't do it, is the community safer?

TODD LYONS:

No, sir, it's not. And that prime example is one right there, that they could have made the public safer.

RICK SCOTT:

So why -- why do we have these -- what's the rationale for these sanctuary cities? Can you guys tell me any reason you would have a sanctuary city where people say, I want the criminals to come to my city and I'm not going to -- I'm not going to work with ICE to get them out of my community?

TODD LYONS:

You know, unfortunately, sir, what we've seen so many times -- and again, coming from the civilian law enforcement side, when we hear about community policing, you always heard about the chilling effect of working with ICE. The problem is that backfires in these sanctuary jurisdictions because so many times, we saw the criminal illegal aliens go back and offend and take advantage of the migrants that did come here for -- for a good life.

But yet they were told, if you cooperate with ICE, if you call 911, you're going to be deported, which is the farthest from the fact. If you look at what we've done with the help of CIS, with protecting victims of human smuggling, sex trafficking with the U-visas, T-visas, things like that, that the goal of sanctuary city backfires when it comes to protecting other migrants who are afraid to come forward.

RICK SCOTT:

How many times have you been asked about Laken Riley? You've been asked about Laken Riley by a Democrat? How about Jocelyn Nungaray?

TODD LYONS:

No, Senator. How about Rachel Moran? No, sir. How about any little girls that were raped, ever? No, sir.

RICK SCOTT:

Ever? No. You get asked about why you're not doing your job better.

TODD LYONS:

Yes, sir. I mean, if -- if you listen, if you listen to -- to what's going on here, OK, the Democrats are mad because you're trying to protect a neighborhood, right? I mean, it doesn't make any sense. I -- one thing I don't get is if you want to be a sanctuary city, why do you get any federal money, especially any federal money to -- to cooperate with law enforcement?

Well, sir, and that's one of the hard part for us. Um, and again the witness that was here earlier, both of us are career law enforcement. I respect his, um, his views and his career. But when it comes to issues like cooperation at the local state level, again, ICE does do that. But so many times -- and I'll give you the example of Aurora, Colorado.

We were going to serve a criminal warrant on an apartment complex of known TDA gang members that was full. We tried to work with state and local government. They made notifications we were -- that the operation was ongoing. So when tactical teams arrived, protesters were already there and the apartment complex was empty.

RICK SCOTT:

How could that happen?

TODD LYONS:

We've seen that time and time again. I've -- I've had it where we've made -- myself, I've made notifications. Again, I've had the privilege of having this job for almost 20 years and doing it at the enforcement level, to notify a local police department and then they would put that out in a tweet, ICE is going to be at L and 8th Street.

So we reach a point that we want to cooperate, we want to be good partners, but how many times, again, can we be Charlie Brown with the football and say, OK, this time you're going to work with us and it doesn't happen? And if you don't want to work with us and I respect the agencies that say they don't want to. That is great.

But there's been time and time again, empirical evidence that we are impeded, our operations get leaked and then we're put [inaudible].

RICK SCOTT:

Thank you for what you do.

RAND PAUL:

Senator Kim.

ANDY KIM:

Thank you, Chair. Um, Mr. Scott, I wanted to start with you. Do you agree with Mr. Lyons's thoughts that he shared with us just a moment ago, that statements from senior leaders in the immediate aftermath of an incident could bias assessments?

RODNEY SCOTT:

I don't know what information they had at that time, sir. I'm not going to speculate on why they said what they said.

ANDY KIM:

Well, you said that the FBI has purview over the investigation regarding Alex Pretti, is that correct?

RODNEY SCOTT:

Correct.

ANDY KIM:

So on -- immediately after the shooting and killing of Alex Pretti, Kash Patel, our FBI director said, quote, you cannot bring a firearm loaded with multiple magazines to any sort of protest that you want. It's that simple. You don't have the right to break the law and incite violence. I wanted to ask if you have confidence in the FBI investigation of this killing?

RODNEY SCOTT:

I do have confidence in the FBI's investigation of this incident because those agents out there are professionals, they're trained, they're going to collect the evidence, they're going to collect the interviews and they're going to present their findings to -- to a US attorney, to a district attorney or a grand jury.

ANDY KIM:

Mr. Lyons, um, with regards to Renee Good, there was some reporting that came out saying that FBI agents equipped with a signed

warrant prepared to document blood splatter and bullet holes in Ms. Good's SUV. Uh, they received orders to stop. The orders came supposedly from senior officials, including Kash Patel.

Do you think a sufficient enough investigation is happening into the killing of Renee Good right now?

TODD LYONS:

So sir, I -- you know, I can't speak to that because I'm not aware of those decisions. But what I can tell you, sir, and the commitment from ICE, especially from the Office of Professional Responsibility is we did secure those firearms. We did secure that scene properly and we turned over our evidence to the FBI, and we're standing by at the end of their investigation, the conclusion of the outcome to conduct our internal review at that point.

ANDY KIM:

I just want to convey that there is just a huge trust gap here. I mean just absolute zero trust in this being able to -- for this administration be able to conduct an independent investigation into these killings. And I just urge you to continue to push on this because without that I don't think we're going to be able to move forward.

And when we see these types of statements from, whether it's Stephen Miller, Kristi Noem, from Kash Patel and others, is absolutely putting a black mark over anything that is happening on the ground. Mr. Lyons, were you the one that recommended the surge in Minnesota?

TODD LYONS:

So sir, Operation Metro Surge, um, which --

ANDY KIM:

Was your idea?

TODD LYONS:

Metro surge for the fraud investigation, yes, sir.

ANDY KIM:

Uh, so you're the one that suggested and recommended 3,000 plus agents to go to Minnesota?

TODD LYONS:

Sir, I asked for more support for the amount of protest and the amount of assault on officers, I requested more support.

ANDY KIM:

So now we see, uh, Homan say that the surge is going to be stopping. Where are those ICE agents going to go next?

TODD LYONS:

They'll return back to the home station, sir.

ANDY KIM:

Are you going to refrain from using this type of surge tactic in other states after you've seen just the level of -- of crisis and lack of confidence and just the chaos that it unleashed in Minnesota?

TODD LYONS:

Sir, you know, one thing for sure is there's no ICE officer or special agent that wanted that type of chaos that you referred to -- to happen. Um, I think going forward now I think you see more after the conversations with officials in Minneapolis and the state of Minnesota, what, you know, partnership can look like as far as local level, and I don't think we'll see that.

ANDY KIM:

What I'm asking is about what -- have you learned a lesson here, that this is something -- if you pull out from Minnesota, but then now you do a similar type surge, 2,000, 3,000 in another state, is that something you'd still consider after what occurred in Minnesota?

TODD LYONS:

Sir, you know, in regards to every law enforcement operation, of course we go back, we look at lessons learned and we always look back. You know, at the end the ownership of that is mine. So I have to go ahead and look at evaluations of what we did, what worked, what didn't work. But one thing, sir, if I could just have one second to say it. The problem I believe is the fact that, like some of the things that I brought up earlier, you know, the agitators and the coordination on the protest side, we have no problem, Senator Kim, with people protesting, happens all the time.

But it's that coordination, like I said, when you have fliers out there instructing people how to get in between, whether it's a CBP officer or ICE officer making an arrest, that's the problem. And that's what I hope that we can help, especially with this committee and other committees, the fact that, you know, situations like that won't happen, that people can go out there and protest.

But why are we going to encourage individuals to go out there and impede and put themselves in harm's way? I think that's the lesson learned from this.

ANDY KIM:

Mr. Edlow, I wanted to bring you in on this. Um, there was an incident that happened in San Diego, spouses of military members and veterans were going to get interviewed for a Green Card and they were arrested upon arrival at their interviews. Uh, tell us what happened. Was that USCIS, uh, agents that arrested them?

JOSEPH EDLOW:

No, Senator. Excuse me. No, Senator. Uh, anyone who comes to a USCIS interview, who has an outstanding want or warrant, may find themselves subject to facilitated arrest in which ICE or local or state law enforcement will come.

ANDY KIM:

So you're attesting right now that all of the -- all of these spouses of military members and veterans had an outstanding arrest, or outstanding warrant?

JOSEPH EDLOW:

Senator, I'm not aware of the specific cases you're referring to. I'm happy to talk to you and --

ANDY KIM:

Well, you should be prepared to be able to talk through these. It was very high profile.

JOSEPH EDLOW:

I'm happy to talk to your staff about that.

ANDY KIM:

Was it USCIS or was that coordinated with ICE?

JOSEPH EDLOW:

Again, Senator, depending on who comes to our office --

ANDY KIM:

Have you ever shared with ICE details of when and where interviews for green cards and other administrative processes for interviews and immigration take place? Have you ever shared that information with ICE?

JOSEPH EDLOW:

Senator -- Senator, what concerns me is that in previous years there was no communication between USCIS, ICE and CBP. There is better --

ANDY KIM:

Just asking a question. Have you shared the location and the timing of interviews --

JOSEPH EDLOW:

The location is at our offices. And if someone is subject to arrest or detention, we -- we will communicate with ICE. And anyone who

comes into a federal building, any federal building should expect to be arrested if they have an outstanding want or warrant?

ANDY KIM:

Mr. Lyons, in New Jersey, one six year old girl was left unsupervised wandering the streets asking for her father after ICE arrested the man while he was picking up food. I wanted to ask if you can explain this action and can you commit to providing my office with a briefing within 30 days of what happened and took place in Morristown, New Jersey?

TODD LYONS:

Sir, I don't have knowledge of that, but I do commit to you, I'll investigate that and we'll get back to you. But just if I could just say, sir, that is not the standard that ICE goes by. We take care of children and I'll commit to you that we'll get you that information.

ANDY KIM:

Well, it certainly didn't happen in this circumstance, and again, it has left the community shaken. So I will follow up with you and get that information so we can have clarity on what happens next. With that, I yield back.

TODD LYONS:

I want the chance to make sure you -- give you trust back in ICE that we don't do that, sir. I commit to that.

RAND PAUL:

Senator Moreno.

BERNIE MORENO:

Thank you. I just -- two things, Mr. Chairman, for the record. I just think it's important for us here to have a little bit more judicious responsibility about drawing conclusions about American citizens and not depriving them of their fifth and 14th Amendment rights. I find it outrageous that we are going into a path where watching a video on social media is enough to indict people.

And I'll start with you, Mr. Lyons. What does that mean to your family? Like when you -- you saw what my colleague from Florida talked about. What does that mean to your family when they see that kind of, uh, just conclusive statements in terms of what you and your officers are doing with actually zero information that actually is a proper investigation?

TODD LYONS:

You know, I'll speak personally, but then I can speak in a broader view, is it's hard. Um, you know, again, I'm a career law enforcement person. I have the opportunity to lead the agency that I started with, um, and the men and women of ICE go out there and they do incredible work, but they are demonized.

Um, I would love to see ICE officers and agents be seen as human as well. Um, you know, all too often, my son who it's his birthday today, will show me a video, dad, is this true? And it's totally false. It's an AI thing, right? Um, we've seen media, you know, say the same thing and unfortunately, today, that's our biggest problem, is we are always fighting on our back foot because no one will ever pick up the good stories that we do. You know, we joke all the time that one of the, you

know, major criminal organizations we fight, they have better playbooks than we do when it comes to making ICE look bad.

Sometimes the media is our biggest enemy.

BERNIE MORENO:

But it's just -- sorry to interrupt, but it's not -- not just the media or some random goofball or bot on -- on, uh, on social media. These are elected representatives that make outrageous statements. And I would like to enter a list, four page list, of current sitting members of Congress that have made absolutely outrageous comments, analogizing customs -- Customs and Border Patrol agents and ICE agents to the Gestapo, to a secret police.

So without objection, I'd like to enter that into the record.

RAND PAUL:

Without objection.

BERNIE MORENO:

And I think the second piece I'd like to enter into the record is just some pretty outrageous statistics, because we've talked about outrage here. Let's talk about outrage. 8,043 percent increase in death threats to ICE agents in the last 12 months, 8,043. A 1,426 percent increase in assaults against ICE officials.

A 16,700 increase on threats of assault against your agents, both of you. A 3,300 percent increase in vehicular attacks against your agents and a 964 percent increase against officials, like yourselves, that are not in the field every single day. This is a direct result. So I'll enter that into the record as well.

RAND PAUL:

Without question.

BERNIE MORENO:

This is a direct result of the rhetoric. Now, Mr. Scott, I have a very, very, very important question I've been meaning to ask you for -- for the last 12 months. What laws were changed in the last 12 months that made it so that we went from the most open border in American history, hundreds of thousands of people coming to this country illegally every month to virtually zero?

What laws did we pass? I want to get -- I want you to give credit to Congress for acting to pass these incredible laws that resulted in this decrease.

RODNEY SCOTT:

No laws were passed, sir, nothing new.

BERNIE MORENO:

Wait, what? No laws were passed?

RODNEY SCOTT:

No new laws were passed.

BERNIE MORENO:

So we're sitting here passing judgment on your team who actually enforce the laws of the United States of America to not allow people to enter our country legally to regain our sovereignty. Is that -- do your agents find sometimes that they're living in an upside down world?

RODNEY SCOTT:

I won't speak for the agents, they're not here, but I do.

BERNIE MORENO:

It's pretty outrageous, right? You have a simple job, enforce the laws of the United States of America, correct?

RODNEY SCOTT:

Correct. And CBP's job, if you want to really simplify it, we're just supposed to know and then control who comes into this country and who stays in this country, consistent with the laws Congress passes. That's all we're trying to do.

BERNIE MORENO:

And we've spent a lot of time here talking about, uh, the deaths of two protesters. And as my colleague from Florida pointed out, we haven't had a single hearing about the deaths of American citizens on the hands of criminal aliens, not a single time. You know, you -- one of my colleagues asked you to say the name of the two people killed in Minnesota.

You had no problem with that, right, Mr. Lyons?

TODD LYONS:

No, sir.

BERNIE MORENO:

Do you hear any sympathy for the deaths of criminal aliens -- the death of American citizens at the hands of criminal aliens? I -- I was a

new Senator a year ago and I got to say, it was a little bit, um, humbling to sit in the chamber of the House of Representatives during the state of the Union address, because I thought here's this kid born in Bogota, Colombia, and I'm sitting here as a United States Senator in the House of Representatives and president United States is speaking.

It was, honestly, I got to say, my -- my brain was spinning. It was surreal. And then when the president talked about people like Laken Riley that had been killed, a women in Texas, their parents were there looking at it. I looked over to the other side and there wasn't a single solitary Democrat that clapped for that family, honoring their lives.

And I think we've got to the point in America today where we've lost our way. And let me just say this on behalf of every legal immigrant in this country, thank you for doing your job. Thank you for enforcing the laws of the United States. Thank you for honoring those of us who came into this country legally, followed the process, took the time to wait it out and thank you for not allowing this country to reward those who skip the line, violate our laws and somehow be viewed as they are the victims.

What your people do every single day is very, very straightforward. You enforce the laws that this body passes. I would encourage my Democratic colleagues if they want to codify the Biden open border policies, submit that law, show your voters that that's what you want. I don't think you'd get very far. And I'll just end with this, we have -- have any of your officers, Mr. Lyons, ever entered a church to arrest any criminal alien?

TODD LYONS:

No, sir.

BERNIE MORENO:

Have you ever entered an elementary school to arrest a criminal alien?

TODD LYONS:

No, sir.

BERNIE MORENO:

And how about entering hospitals to arrest criminal aliens?

TODD LYONS:

Sir, we have incidents where they've run into a hospital seeking sanctuary, but again, we didn't go in --

BERNIE MORENO:

But you didn't proactively --

TODD LYONS:

We didn't go out there seeking patients on an IV. No, sir.

BERNIE MORENO:

Thank you.

RAND PAUL:

Senator Blumenthal.

RICHARD BLUMENTHAL:

Thanks, Mr. Chairman. Thank you all for being here today and answering our questions. Um, I don't want to talk about new laws, I

want to talk about a very old one, the Constitution of the United States, specifically the Fourth Amendment. Uh, this picture is of ICE agents forcing their way into the Minneapolis home of Garrison Gibson, uh, banging down the door, detaining Mr. Gibson in front of his wife, Deanna, and their 10 year old daughter and niece who happened to be there at the time.

I don't know whether you're familiar with what happened here. It's one of many, many, many similar incidents that have happened all around the country. And it was done pursuant to what is called an administrative warrant. Uh, I'm going to hold up a copy of that warrant, uh, signed by an SDDO, who is, I believe, a member of the ICE workforce, another agent, a supervisory, detention and deportation officer.

Not a judge, correct?

TODD LYONS:

Correct, Senator.

RICHARD BLUMENTHAL:

So in effect, this is not a warrant, it's a permission slip. It's a green light from another ICE agent to go bash down a door, smash into a home, detain and arrest someone without a judge finding probable cause and without any sort of objective independent finding, is that correct?

TODD LYONS:

No, sir, so the I-205 is the arrest warrant, but the I-205 is based on an executable final order issued by an immigration judge from the Department of Justice.

RICHARD BLUMENTHAL:

And that -- and that order is from an immigration judge who is part of the executive branch, not an independent judge. But the -- the warrant issued is simply a permission slip. Now let's be very clear, you were a local police officer.

TODD LYONS:

Yes, sir.

RICHARD BLUMENTHAL:

To bang down a door, barge into someone's home, if you're the FBI or a local police officer, you need a judicial warrant from a judicial officer, a judge who is going to find or not probable cause, which has a specific meaning under the law. These ICE agents are banging down doors doing the same thing without that kind of judicial warrant.

What is so different about ICE that it regards itself as an exception to the Fourth Amendment? And the requirement for a judicial warrant is a Fourth Amendment requirement.

TODD LYONS:

We do -- we don't, Senator. Um, we -- there is case law *US vs Lucas*, uh, 2007, which is out of the Eighth District of Minnesota, which authorizes the entry of a home to catch a fugitive based on an administrative warrant.

RICHARD BLUMENTHAL:

I beg your pardon, sir? It does not abrogate the Fourth Amendment. It does not say that ICE agents or CPP agents can simply bash down

doors and barge into people's homes, terrorize their children, detain and arrest people without a judicial warrant. And there is nothing different about what ICE does as compared to the FBI or local police that would justify it.

RAND PAUL:

[off-mic] I think -- and I just want to --

RICHARD BLUMENTHAL:

The policy that they're acting under, in fact, is the result of a memo that you issued in May. You're familiar with it. [crosstalk]

TODD LYONS:

Yes, sir.

RICHARD BLUMENTHAL:

Has your signature?

TODD LYONS:

Yes, sir.

RICHARD BLUMENTHAL:

Which says in effect they don't need judicial warrants, they can act on the basis of the 205 warrant that you've just described, which is administrative, it's not judicial.

RAND PAUL:

[off-mic] she's supposed to come in any way for -- so -- let's talk more about --

RICHARD BLUMENTHAL:

Why did you keep this memo secret?

TODD LYONS:

I didn't keep that memo secret, sir. It was blasted out to --

RICHARD BLUMENTHAL:

Well, we learned about it when two whistleblowers came to us and said that you were using it as a basis for the policy. It was never announced publicly. It was never released to the press or the American people. Why did you keep it secret?

TODD LYONS:

Sir, I didn't keep it a secret. If sending an email to a workforce of 30,000 people is keeping something secret. It's a bad secret.

RICHARD BLUMENTHAL:

It never reached those people.

TODD LYONS:

Yes, sir, it did.

RICHARD BLUMENTHAL:

Well.

TODD LYONS:

The -- the email did, sir. Yes, sir. I can work with your committee to get -- your staff to get that.

RICHARD BLUMENTHAL:

Let me -- let me move to another topic. You stated on Tuesday quote, "No US citizen is subject to immigration enforcement and that doesn't happen. If a US citizen is detained in the course of the immigration investigation, they are quickly released." I ask unanimous consent that a report that we did uh, the ranking, uh, member, uh staff did.

Uh, entitled Unchecked Authority. It documents 22 US citizens being detained and assaulted by immigration agents, as well as written statements from eight US citizens who have been detained shot at and nearly killed by ICE agents who came to speak.

RAND PAUL:

Without objection.

RICHARD BLUMENTHAL:

Thank you. So let's take George Reid's, [ph] for example. He's an Army veteran, a father from California trying to go to work. He said he was tear gassed and held for three days without charges. Is he lying?

TODD LYONS:

Sir, ICE wasn't involved in that arrest, sir.

RICHARD BLUMENTHAL:

Were you mistaken when you said that no US citizen is subject to immigration enforcement?

TODD LYONS:

No, Sir.

RICHARD BLUMENTHAL:

Well who's lying, you are him?

TODD LYONS:

Sir, I'm speaking for the men and women of ICE in my operation. I didn't arrest that individual, sir.

RICHARD BLUMENTHAL:

But the facts contradict what you said. Will you admit that you don't know, for example, about Ali Ramon, [ph]. A disabled woman from Minneapolis. She came to this hearing. She testified before our spotlight forum. Violently dragged from her car, detained without medical attention until she passed out. Is she lying or are you lying?

TODD LYONS:

No, sir, she's not lying.

RICHARD BLUMENTHAL:

Well, then you were mistaken when you said no US citizen has been detained.

TODD LYONS:

No, sir, I said no US citizen subject to immigration law and deportation or removal. ICE does detained --

RICHARD BLUMENTHAL:

Well, that's a circular argument. She wasn't subject to immigration law because she's a US citizen. [Laughter] But she was detained. And

that contradicts directly as does your statement apply to Miramar Martinez, [ph] who was almost killed, shot seven times by CPP agents. It is true of Diana Figueroa, [ph] who told us she was violently dragged from her car after dropping her son at school, thrown into a van also detained.

Is she lying?

TODD LYONS:

No, sir. But sir, you know, I've worked personally with you on many cases when you come to me with -- on constituents, especially in Connecticut when I was a field office director in New England., you know, that I am transparent. We do not lie. So to say that we're lying is incorrect, sir.

RICHARD BLUMENTHAL:

I asked you first whether you were mistaken when you said that "no US citizen, " I'm quoting, "is subject to immigration enforcement."

TODD LYONS:

Correct, sir.

RICHARD BLUMENTHAL:

Enforcement. I would call --

TODD LYONS:

Enforcement is an arrest or removal --

RICHARD BLUMENTHAL:

I would call that misconduct enforcement by your agents. I'm out of time. Thank you.

RAND PAUL:

Let's go and stop there. I have two quick questions. Um, one of the things that came up earlier was this idea that there used to be an instantaneous portal between, I guess ICE and the prisons where you were -- were arresting. That initially you were just getting this information seamlessly, very quickly, not manually.

It was an automatic portal, but that was stopped under Mayorkas. Mr. Lyons, is that true or --

TODD LYONS:

Yes, sir, it's true.

RAND PAUL:

Have you all tried to restart it?

TODD LYONS:

We have restarted it with multiple agencies, sir. And if -- sir --

RAND PAUL:

Go ahead.

TODD LYONS:

Just for the record, sir, I would say again to the Commissioner for the Department of Corrections, we do have a -- we do have a great relationship with them. We do take, um, individuals from them. You

know, there was a report released where we didn't take action on, I think he said 100, I think the numbers were more.

But the fact that ICE didn't take action on a foreign born citizen means the fact that they're not removable. There are many people in custody that I have a green card, lawful -- you know, a lawful resident, visa, so to say that that was disingenuous.

RAND PAUL:

Yeah, the -- the other question I have is that, you know, we finally had the attorney general say of course, if it's a final order. He was making a distinction. I thought it's not an unreasonable distinction. There's a difference between a final order and a detainer legally and procedurally. But uh, he said, oh, sure we'll -- we'll cooperate with ICE if we have a final order.

And it sounds like most of the targets have final orders. I think Senator Lankford indicated that. We'd like to know what the number is. But if 80 percent of them are final orders and you have 16,000 people that you'd like to remove from Minnesota, I would suggest that you probably take him up on what he said.

He said, oh, sure we'll do it if there's a final order. Because I think that you actually will win some of those arguments. And it's a better way to win those arguments than I think some of the ways we've tried.

TODD LYONS:

Yes, sir. You know, to that what I would say is, you know, State of Minnesota at the Department of Corrections level sure they give us the final order, but it's when individuals are encountered for, you know, at the local level or the county level in Minnesota. That was the

issue that we were having. So they might -- they might stop somebody, identify them.

They have a final order, have a criminal history. They rerelease them back without notification to us.

RAND PAUL:

Yeah, I'm -- I'm talking about when you have a target and they're not corresponding to you. So you send them an email, I've got this target. Will you send ten Minnesota police -- Minneapolis police? Is that ever happening? Are you ever having Minneapolis police go to help you make an arrest?

TODD LYONS:

You know, we would never have them make the arrest or go with us for us. We would use them for like site security, perimeter security. Um, you know, in almost every jurisdiction in the state we do that. But then if they say, you know, they can't go because it's immigration enforcement, so be it.

RAND PAUL:

I know he's made a lot of orders in the opposite direction. I'm just saying I would test him in the direction of the things he admitted he says he would do.

TODD LYONS:

Yes, sir.

RAND PAUL:

Um, and uh, I think pushing forward with that is a good idea. The other thing that came to my mind is if you don't have a final order and he's making the distinction well, detainer is not really an order and we're not going to -- you said there are other states that do this. We're not going to keep you beyond your three years in prison, even one day on a detainer because it's not really order.

Um, if somebody in prison for three years, why don't we do the -- why don't they go through immigration court while they're there and get final orders? Who's in charge of that? Is there -- if you -- if we notify you on day one, is it you or is it some other agency? On day one, someone's here, he's here in the country illegally.

He's going to be in for three years. That's certainly a lot of times. Certainly we ought to be able to prosecuting him while he's in prison.

TODD LYONS:

We do serve many states. We do, do that. It's the institution -- it's institutional removal program, IRP. Um, in Massachusetts and New Hampshire, we do that. While they're in custody, we go ahead and put them through immigration proceedings so that way there's no cost to American taxpayers as well. The day they're released, their travel is already arranged, and they go straight to the plane.

RAND PAUL:

I would say it avoids that controversy then. And the more of that that you can do the better to get to the final stage, so you don't have to encounter the argument on -- on a -- on a detainer. Um, so uh, Senator Gallego?

RUBEN GALLEGO:

Thank you, Mr. Chair. I'm going to show some videos of what the Trump administration has done in some of these cities across the country. If we could hit play on that. Thank you. [Begin videotape]

UNKNOWN:

Get out of the fucking car! Run! Get out of the car! Oh! Fucking bitch! Oh, shit! What the fuck? [Gunshots] They killed him. Did they fucking kill that guy? Are you fucking kidding me, dude? Right at the corner of Jefferson. Get out of the car! Get out of the car now! Get out of the car! No! I will not get out of the car.

You can't [inaudible]. Get out of the fucking car! Get your hands off of me! Get your -- hands off me! Oh, shit! [End videotape]

RUBEN GALLEGO:

We saw that. ICE Code of Conduct says, quote, "all ICE employees must be paid professionally and must be a model for all to follow." Director Lyons yes or no, is the behavior you just witnessed a model you think agents should follow?

TODD LYONS:

Sorry about that, sir. Sir, I -- I can't speak to each one individually. Each --

RUBEN GALLEGO:

So you can't --

TODD LYONS:

Each -- ICE officers are held to a higher standard and higher code, [ph] but in every case, like I already stated before, between, you know,

Tennessee vs Garner, Grand vs O'Connor. It's just --

RUBEN GALLEGO:

Each is an issue of common sense, like right? Even the last one where that woman is being pepper sprayed, there was enough standoff distance that -- she's clearly not a threat. And he directly puts a non-lethal into her face. Speaking of non-lethals, are all ICE agents, even the ones that are new ICE agents trained in the use of non-lethals: pepper spray, mace, tasers?

TODD LYONS:

Yes, sir.

RUBEN GALLEGO:

They employ it on themselves too, so they understand the impact of it.

TODD LYONS:

Yes, sir. I've been sprayed many times. It's horrible.

RUBEN GALLEGO:

Yeah, same here. OK. Right now what is the training cycle for new ICE agents? How many days?

TODD LYONS:

So we reduced the actual calendar days from 75 to 42. We went from five days a week to six days a week, five days a week was, um, five, eight hour days. And we've gone to six, 12 hour days.

RUBEN GALLEGO:

And that is -- that is given enough sufficient experience for them to be dealing in these very dynamic areas and urban areas with -- including weapons handling? As I've seen some of your -- your ICE agents and their weapons handling, it's quite horrible. Do you think that in those time period you could actually insert people into an environment as dynamic as Minnesota and other places and they're actually using weapons in the correct way?

TODD LYONS:

So sir, what we've done on the backside of that is we've instituted our OJT program, which as you've been law enforcement familiar with, much like an FTO program, where after the academy, they get that -- the real world training like you would once a local police officer comes out of the academy.

RUBEN GALLEGO:

So the OTG is happening in places like Minnesota. So somebody who probably has never handled a weapon, after 42 days, is going to be inserted into Minnesota into a high stress environment?

TODD LYONS:

They could, sir. Yes, sir.

RUBEN GALLEGO:

That explains a lot. In one of the videos you saw earlier, um, there was a gentleman -- a gentleman, ICE agent or I believe it's CBP agent that is hitting Mr. Pretti in the face with a tear gas -- canister. Without actually talking about that specific event, um, where in any training

manual have you been taught or I was never taught that I should use, uh, something like that as a weapon against a civilian or against anyone trying to detain.

TODD LYONS:

I haven't.

RUBEN GALLEGO:

You haven't?

TODD LYONS:

No, sir.

RUBEN GALLEGO:

Mr. Scott, have you ever been trained to use maybe a pistol to pistol whip somebody while you're trying to detain them or a canister of that nature, not specifically to this thing, but in general, in any of your training?

RODNEY SCOTT:

Absolutely not, although there's an exception that in certain circumstances, meaning your life is at risk, you don't have anything else, you can use whatever you have available.

RUBEN GALLEGO:

Weapons of opportunity, I'm trained in that shit, too. Pardon me, in that stuff, too. Um, back it up now. So why don't you do that? From your training, why are you not supposed to be a -- use a pistol to pistol whip somebody or a, you know, a canister of tear gas when you're

trying to restrain somebody? Do you remember your training and why they told you that?

Yeah, you go first, Mr. Lyons.

TODD LYONS:

No, sir, why don't we do that, sir?

RUBEN GALLEGO:

Yes, why don't you do that?

TODD LYONS:

Sir, you -- obviously, you're not going to pistol whip an individual for fear the weapon's going to go off.

RUBEN GALLEGO:

Exactly. And so what we've seen consistently is a lot of CBP agents, in this case, customs agents that are clearly either violating or putting other people in danger or themselves in danger. And the fact that they're doing that tells me there is a command structure, an element that allows that to happen because we consistently see it, consistently see it all the time on video.

And, you know, I have been in those high stress environments. And if I had seen this consistently done by Marines, I think the marine and the Marine Corps would have stopped all together and said we need to have a brand new training structure. And we need to hold people accountable. The fact that this is happening all the time means that you've created a space or command structure that has allowed this because these men feel that there's going to be no accountability.

Now rolling forward. After Renee Good was shot, the agent called her a, I quote "a fucking bitch" on camera. Yes or no, is this how your agents are trained to act? And I'll go to Chairman Scott -- sorry, chairman -- Mr. Scott.

RODNEY SCOTT:

No, sir.

RUBEN GALLEGO:

Is that professional in that regard?

RODNEY SCOTT:

No, sir.

RUBEN GALLEGO:

I asked this earlier, you know, your weapons -- your agents, Dr. Lyons -- Dr. Lyons? Director Lyons are trained in weapons handling, correct?

TODD LYONS:

Yes, sir.

RUBEN GALLEGO:

If you look at the Renee Good shooting, why is, uh, the agent, uh, holding a camera phone and a weapon at the same time?

TODD LYONS:

So sir, I don't want to comment on the ongoing investigation just because that's still being determined at this time. But can I just go back to one thing, sir, that you mentioned earlier?

RUBEN GALLEGO:

No! I want to ask further questions on this. How -- has there ever been an order to any agent, CBP agents in Minnesota or other place for them to be recording on their personal phones to essentially be somewhat social influencers or to pass, you know, the, you know, the media onto up? Has there been any orders given for people to be holding or for agents to be recording while they're, you know, doing these stops or engaging with the public?

TODD LYONS:

Sir, there's never been -- an order to do that. Agents have used it as far as if they were going to make an arrest, say on an agitator, the US attorney was requiring to have video leading up to the event. So officers have used that for that.

RUBEN GALLEGO:

For video from a handheld, from a -- from a phone.

TODD LYONS:

If they had a body camera available from the body camera or from any type of recording device.

RUBEN GALLEGO:

But the reason there's a difference because the body cam is designed for a police officer or law enforcement to engage while still being able to have full scope of knowledge of what's happening, be able to detain be able to -- to escalate if they need to escalate. What I saw and what the world saw, for -- for me, is the fact that there was an agent that

was moving around a vehicle with a camera phone recording and at hand in another -- his hand on the weapon.

In what world, in what training with -- between all of your training in, you know, weapons handling, have you ever been taught what the appropriate use of you holding a weapon and at the same time recording on a camera phone? Did you have any of that type of training at all in your -- your time in ICE, law enforcement or through CBP?

TODD LYONS:

No, sir, I haven't. But again, you know, we look at every instance no matter what it is, so.

RUBEN GALLEGO:

So shouldn't there be some kind of command or directive that comes down from CBP headquarters knowing that this is unprofessional conduct that probably created and -- and put the officer and probably the civilian in a situation that ended up escalating to a shooting? That maybe you shouldn't be holding a camera, trying to be an influencer and wielding a weapon at the same time.

That is a professional code of conduct. As law enforcement, as military, you would never do that because you know you cannot handle a weapon, assess the situation and be able to determine to escalate or de-escalate. Did you issue any type of direction after Ms. Good was shot saying that this is not -- what you should be doing?

Or we're just accepting that this is going to continue going forward?

TODD LYONS:

No, sir, there was not an issue because we do hold individuals accountable. That's my point I wanted to make earlier is that, you know, from January 25th to January 26th, ICE has had 37 open investigations for excessive use of force. So we do hold individuals accountable. Out of those, 18 of those were closed, 19 are still pending and one has been referred for further action.

So we do --

RUBEN GALLEGO:

So -- back up, it's not even necessarily just like -- I'm glad you're doing investigations to be clear. But the fact that there are consistent mishandling of weapons, uh, you know, use of escalation of force that is above what is necessary and there still hasn't been any command decision and directive about how to actually, you know, fix this is concerning.

Because any other agency, any other law enforcement, any other military would have said, do not do this. For example, do not be recording with your phone while actually handling a weapon and moving in front of a moving vehicle. That's it. I yield back. Thank you.

RAND PAUL:

Yeah, it -- I think these are -- are good points because in moving forward, things have not been perfect. We're going to do better. You're not holding your gun and holding a camera at the same time, sounds like a pretty easy one, you know, that you probably shouldn't do that. Um, I think we went over this earlier, but verbal altercation, people are backing away.

I think you both acknowledged that pepper spraying someone backing away was not, uh, not recommended policy.

RODNEY SCOTT:

How you outlined it, yes.

RAND PAUL:

OK.

TODD LYONS:

Yes, sir.

RAND PAUL:

Yeah, and so I think we're -- I think we have made some progress on some of these things. And I think -- but it's important because your agents are watching this too. And then you have to let everybody know sort of what the policies are. And things haven't been perfect. And there needs to be, you know, my goal hasn't been, you may not believe me, but my goal isn't to -- to make it harder for you.

My goal is to restore trust in the organization. And I think that's the honest self-assessment. Senator Fetterman?

JOHN FETTERMAN:

I -- I am happy to defer to my friend and colleague in Michigan if you'd like?

ELISSA SLOTKIN:

Go ahead.

JOHN FETTERMAN:

Hmm?

ELISSA SLOTKIN:

Go ahead.

JOHN FETTERMAN:

What?

ELISSA SLOTKIN:

You go ahead.

JOHN FETTERMAN:

OK, very good. All right. So uh, this might be -- this might be a little off -- off topic with some of the questions that have been brought here. But um, how many billions -- how many billions did the Big Beautiful Bill, uh, allow or amount for, for ICE effectively?

TODD LYONS:

Sir, we're about \$75 billion.

JOHN FETTERMAN:

Yeah. I mean, you know, AI. AI just called up says that it's \$75 billion, right? Is that accurate?

TODD LYONS:

Yes, sir.

JOHN FETTERMAN:

Yeah. OK. So now, um, now and I think even I do believe, uh, everyone here at the -- at the chair never voted for the Big Beautiful Bill, correct chairman?

RAND PAUL:

[off-mic] Correct.

JOHN FETTERMAN:

OK, all right, so. But now can we establish now that ICE has plenty of money right now? I mean, effectively they -- now -- so now that vote's going to come about shutting down DHS, maybe because a lot of people including myself would like to see some changes made. But -- but if that vote happens and DHS is now shut down, would that have any meaningful impact on ICE operation because they have \$75 billion from the Big Beautiful Bill?

Is that a statement or not?

TODD LYONS:

It would impact personnel actions. And when I say to that sir, I mean as far as like pay retention, our civilian workforce, non-badge gun cutters, carriers, it would affect that.

JOHN FETTERMAN:

Yeah, so, in other words, so if people vote to shut down, what other -- what other parts are in DHS? What other things?

TODD LYONS:

Components, sir?

JOHN FETTERMAN:

Yeah -- no, no. How many -- how many other operations, you know, departments are in DHS? Like Coast Guard.

TODD LYONS:

Coast Guard, FEMA, CBP --

JOHN FETTERMAN:

FEMA? FEMA, OK.

TODD LYONS:

CISA, which is --

JOHN FETTERMAN:

CISA like cybersecurity?

TODD LYONS:

Yes, sir.

JOHN FETTERMAN:

Yes, sir, I mean that's kind of important, right?

TODD LYONS:

Yes, sir.

JOHN FETTERMAN:

Yeah, and that would shut down.

TODD LYONS:

Yes, sir.

JOHN FETTERMAN:

OK. Uh, and now another one -- another one, also, um, TSA.

TODD LYONS:

TSA is under DHS, yes, sir.

JOHN FETTERMAN:

OK, so that's another one. OK. So if you -- now if someone votes to shut the DHS down, they are not having any meaningful functional impact on ICE because they have unlimited money effectively for -- for right now, right?

TODD LYONS:

Yes, sir.

JOHN FETTERMAN:

Oh, oh, you know, so you're going to punish all of these other parts, the very important parts of our government, TSA, Coast Guard, FEMA and -- and cybersecurity. That's what kind of a statement if we announce to our -- our enemies like well our cyber security agency, now we're going to be shut down. Uh, if I really want to make a move, that probably makes a better known.

And then so is that -- is that an accurate statement?

TODD LYONS:

It's a fair assessment, sir. Yes, sir.

JOHN FETTERMAN:

OK, so now -- now here -- here I am. Here, I am a Democrat. And I think I'll -- I think I ran the whole gamut. You know, I -- I met with Secretary Noem, and I've always treated her with respect. I met with her in my office and I refused. And I never will engage on the kinds of sexist kinds of terms like ICE barbie from a lot of the left media will use those kinds of things.

Um, and now I said, hey, I -- I'm a Democrat, then I say secure our border, yeah, and deport all the criminals. Yeah. You know, we all -- I think we can agree we can signed up on that. Um, and then my friend Katie Britt came to me and said we want to bring the -- the Laken Riley Bill there. And I'm like, yeah.

I was going to be the Democrat to bring that there. And now we -- we -- the co-sponsor as the Democrat. So I believe that we should have those kinds of appropriate things. And I also was the Democrat that described my party's failure in 2022, 2023 that we are -- we are failing on the border. And now we have to -- it's -- it's -- it's not sustainable.

So here it brings me to right now where um, I -- I think we can all hopefully agree that we want to avoid, and we have to make some changes to never make sure there's not another situation of tragedy in Minneapolis. Because for me -- for me, uh, like what's happening in Minneapolis makes the public unsafe.

It makes the agents unsafe, and it makes, um, and I think they've lost the plot. If they're focusing on these kinds of theater, we're not focusing on -- on securing our border and deporting and targeting

criminals and that. So as a pro-border, pro-deport all the criminals, now like what's -- what's the answer now moving forward, where when if I think the vast majority of Americans signed up for those things, I think?

So you know, can we just -- we want to focus more on those two things that I think -- that I think so.

TODD LYONS:

Sir, I'll go first and then Commissioner Scott. But I think to your point, I agree with you, sir. I think the big thing obviously is the rhetoric and the temperature. We are completely dedicated to ensuring that we are going out there and enforcing the Immigration and Nationality Act, as you and your colleagues have written it, as well as getting the worst of the worst and prioritizing on that.

What I think we learned from Minnesota is the fact that people can't be encouraged to go out there and actually get involved in a law enforcement operation that they shouldn't be at. And I'm not saying the impediment of the First Amendment. What we saw is active impeding of law enforcement officers. I think that.

And actually helping us to hold those that docs ICE agents accountable for the reasons they wear the mask will go so much farther, especially for my workforce, but I think for public safety overall.

JOHN FETTERMAN:

OK, and finally, I have effectively about a minute left, so I just want to reiterate. So in -- within the next two hours, DHS is going to be effectively to path the shutdown. And I want to remind everybody that

you have, you know, ICE has plenty of money and that vote to shut DH down -- DHS down will have no functional impact on ICE because they have that \$75 million from the Big Beautiful Bill, correct?

TODD LYONS:

Yes, sir.

JOHN FETTERMAN:

OK. All right, I cede. I return.

RAND PAUL:

All right. Senator Slotkin?

ELISSA SLOTKIN:

Thank you. Um, thank you for being here. I -- I personally think that, um, Secretary Noem should be here. You want the big job. You have the big accountability. And we should be seeing the Secretary of Homeland Security coming in front of the American people and certainly the Oversight Committee when we have such existential issues about the deployment of federal force in our country going on, but you are here in her place.

Um, and I think, you know, if we rewound the tape to a year and a half ago or a year plus ago, you had um, a lot of Americans who felt very strongly that if you were here illegally, especially if you were involved in any kind of criminal activity, you should be deported, right? You need strong borders. I'm a CIA officer.

You need strong borders. We need an immigration policy that allows us to do that, but that enforcement would have been something that the average American supported. But the conduct of ICE in places like

Minneapolis has now boomeranged to the point where people say, well, look, I was for enforcement, but I'm not for what looks like authoritarian style of, you know, federal goons on our streets.

And that's not coming from Democrats, that's coming from, uh, in Michigan, you know, we -- the state of Michigan voted for Donald Trump. You know, it's coming from people who say, look, I -- I'm all for enforcement, but I'm not for trampling basic rights. And Americans have an internal barometer for what looks and smells authoritarian.

And whether it's shooting someone who's unarmed or pepper spraying kids or picking people up as they walk into Target and checking their papers, that is an internal barometer that we all have um, that you have crossed. And we're here today, and all this firestorm is here not because of people on the ground, but because of your behavior in ICE. And uh, you know, I think when you extrapolate out and you listen to what the President and his cabinet are saying, I have to ask about our 2020 elections.

OK. The President says we should federalize our elections. Even though the US Constitution was written by our founders to give that power to the states so that we would never have a President who took too much power and tried to become a king. He's tried to get voter rolls, including in my state. He's complained that elections aren't free and fair.

In 2020, he came up with a playbook to deploy federal law enforcement around polling places. And the White House spokeswoman will not rule that out as of a month and a half ago. So I have to ask Mr. Lyons, do you believe that ICE has the authority to be deployed to US polling places around the country?

TODD LYONS:

So ma'am, we're civil -- obviously, we do civil enforcement and criminal law enforcement. There's no reason for us to deploy to a polling facility.

ELISSA SLOTKIN:

So if the President of the United States gets Kristi Noem on the phone and she gets you on the phone and she says we've heard there's a problem in Georgia or in Michigan or somewhere else. Um, I need you to go and -- and physically deploy around polling locations. You will say no?

TODD LYONS:

There's no reason for us to deploy there.

ELISSA SLOTKIN:

Then you should say no, right?

TODD LYONS:

Yes. But just point of clarification, Homeland Security Investigations, we do investigate voter fraud, which we've had made several arrests, most recently, a high profile one in Massachusetts. So just -- but --

ELISSA SLOTKIN:

That's very different than the physical intimidation.

TODD LYONS:

I just didn't want you to say that we don't do anything with voter. I just want you to know we do that criminal aspect.

ELISSA SLOTKIN:

That's fine. I'm -- I'm talking about something that I think would be extraordinary in American history, which is uniformed and masked ICE agents encircling polling places. And it's not -- it's not fantasy. It's not made up. These are things that the President and his cabinet have suggested. They've suggested invoking the Insurrection Act which would allow law -- which would allow active duty military to do the very same thing.

So this isn't,, you know, someone who thinks the sky is falling. The President and his cabinet are suggesting. So you're going to be the guy standing in the breach.

TODD LYONS:

There's no reason, like I said earlier, ma'am, there's no reason for you to use ICE officers in that?

ELISSA SLOTKIN:

Great. Well, I hope that in the privacy of that meeting, when that comes down and the President feels like he's going to lose the midterm elections that you don't buckle. And because I think the -- our democracy literally is dependent on it. Now coupled with that, you've heard from a number of my colleagues about labeling people as domestic terrorists.

What is the definition of a domestic terrorist?

TODD LYONS:

So ma'am, domestic terrorist is any to any organization that, you know, um, on American soil, on home nation soil that's involved in acts of treason, acts of violence, act of extremism against a group or against a country.

ELISSA SLOTKIN:

OK. So actually in law it's -- it's defined by the Patriot Act, that's the clearest act we -- place we have it. And it has to be tied to criminal activity, right.

TODD LYONS:

Yes, sir.

ELISSA SLOTKIN:

So protesting, even if you don't like it, protesting of ICE agents, unarmed and without destroying property. Is that a domestic terrorist?

TODD LYONS:

No, ma'am, I stated under -- under oath earlier that that's covered on the First Amendment. Right

ELISSA SLOTKIN:

OK. Great, so when again the President and Stephen Miller and others in the cabinet, including your boss Kristi Noem label people like Renee Good domestic terrorists you understand why we can't trust what you're doing with the information you're collecting on these so-called domestic terrorists. So can you tell, us under oath, does the

Department of Homeland Security maintain a database of any kind of domestic terrorists?

Are you collecting facial recognition information, license plates, locations, addresses those kinds of information?

TODD LYONS:

No, ma'am. And I testified under oath on Tuesday as well. I said the same thing. We don't have a database. If there is a case, a criminal case that may involve some type of domestic terrorist organization, Homeland Security -- as you know, Homeland Security investigation is involved across the board and embedded with the Joint Terrorism Task Force.

We do conduct those. But there is no database, ma'am, for that.

ELISSA SLOTKIN:

OK. Do you contribute data to anyone else's -- any other federal agencies database?

TODD LYONS:

No, Ma'am.

ELISSA SLOTKIN:

OK. So the -- the fact that we have ICE agents saying out loud to people that they're trying to arrest or engage with that we're going to put you into a database is just erroneous. They're making that up.

TODD LYONS:

Yes, ma'am, I can't speak to why that officer said it, but we do not do that.

ELISSA SLOTKIN:

OK. Well, I would just offer that given that the President put out an executive order in September and said he wants a list of domestic terrorist groups to use the full weight of the federal government to go against. You can imagine that people who are peaceful protesters feel like they are going to be targeted and feel that they are at risk.

So I -- um, I think the conduct of your agency has put us in a position where the average American doesn't know whether to trust law enforcement. And that is terrible and scary given what law enforcement on the ground in our states do. And I -- I would just say if we do not have serious reform and change, then you will be contributing to the average American who woke up very supportive of law enforcement being terrified that they and their community will be next.

I yield back.

RAND PAUL:

Thank you. We're almost at an end, and I think we've had a good hearing. I think a lot of knowledge came forward. And I sense at least the idea that you guys want to restore confidence in the agencies. And we'll work on that. And I hope that's true. With regard to the thing I mentioned before, I'm going to mention one more time as we end.

The attorney general says he will cooperate with final orders. You have got a bunch of final orders. I would love to see you go for some specific people that you sent a letter to the Minneapolis police and say will you

help us? We need ten policemen to go round up this guy. And then, I'd like to see their response.

And you should quote him from the hearing. He said it, he said he's for final orders. Will I think that's different than the policy he's been enforcing. So let's challenge him on that. Those are battles you can win. Those are political battles and public relations battles. Also, if you would send to my office specific times when you've been turned down, you've asked for requests.

Everybody says they're not helping. I want to know that you're asking and being turned down. That should be publicized and we're happy to publicize that. Um, I think there are problems on -- on both sides of the equation here. But uh, the way we make them better is by making sure everybody knows about these things.

But I do appreciate your cooperation in coming. I'd like to thank our witnesses for being here today. The record for this hearing will remain open until 5 pm on Friday, February 13th, 2026, for the submission of statements and questions for the record. The hearing is now adjourned.

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