

Chairman Paul, Ranking Member Peters, members of the committee, thank you for the chance to speak with you today. I am Keith Ellison, Attorney General of Minnesota.

No official in Minnesota opposes legitimate immigration enforcement. I am here, however, to ask that it be fair, proportionate, and consistent with our laws and our Constitution.

Since early December, Minnesota has been the site of the largest immigration-enforcement surge in U.S. history, called Operation Metro Surge. One would hope the government would have a clearly articulated, rational basis for this unprecedented undertaking. It does not.

The administration has offered a series of rationales for this surge, each of which is nothing more than pretext.

The government has said the purpose of the surge is to fight unauthorized immigration. Yet Minnesota ranks 28<sup>th</sup> among all states in the percentages of undocumented immigrants: while the national average is 3.3%, Minnesota's is 1.5%. Florida and Texas alone have nearly as many undocumented people as the entire population of Minnesota.

The government has said the purpose of the surge is to fight fraud in some government programs. Allow me to say this clearly: I abhor any and all fraud in government programs. A single dollar stolen from government is one too many. I am especially outraged when public money stolen has been appropriated for the purpose of helping hungry children eat, helping low-income people be well, or helping people find stable housing. It is despicable.

I am therefore proud that my office has a long track record of fighting fraud in Medicaid programs: since I have served as Attorney General, we have won 300 convictions for Medicaid fraud and won \$80 million in judgment and restitution for Minnesota taxpayers. The federal government itself — the Office of Inspector General of the Department of Health and Human Services — has noted that my office's Medicaid Fraud Control Unit has won more convictions than any than any State of a similar size. I'm proud of my staff on the front lines of this fight every day.

But if purpose of the surge was in fact to fight fraud, the government would have surged forensic accountants, not more than 3,000 ICE and CBP agents who have no training or experience in fighting fraud.

The surge has had an impact on fraud in Minnesota—just not a positive one. No fewer than 14 high-ranking staff of the U.S. Attorney’s Office in Minnesota have recently left as a direct result of the surge: people who have successfully managed and prosecuted complex fraud cases, often with the support of my office. Their departures are a major setback for holding fraudsters accountable in Minnesota, and remaining staff are drowning under an avalanche of habeas corpus petitions. Thanks to this operation, the federal government’s work of fighting fraud in Minnesota has ground to a halt.

As a result, the workload on the dedicated investigators and prosecutors in my office will likely increase. For this reason and others, this session we are asking the Minnesota Legislature for more resources for fighting fraud. I look forward to bipartisan support.

The government has also said the purpose of the surge is to fight violent crime and rid our streets of “the worst of the worst.” Yet violent crime rates in Minneapolis had been falling before the surge: in fact, two of the three homicides committed in Minneapolis in 2026 have come at the hands of federal immigration agents. Furthermore, according to the custody data published by ICE, 77% of those it detained in Minnesota from October 1, 2025, through January 22, 2026, were “non-criminal.” Some have only minor infractions and relatively very few have convictions for violent crime.

Notoriously, some of those detained have been children. Is five-year-old Liam Conejo Ramos the worst of the worst? Or 10-year-old Elizabeth Zuna Caisaguano? These children have no criminal records, but they will never forget the trauma of their detention.

Most recently, the government has said the purpose of the surge is to gain cooperation from state and local officials in immigration enforcement. Minnesota, however, is already meeting its statutory obligations.

First, the Minnesota Department of Corrections already follows state law that requires the state prison system to notify federal authorities when a non-citizen convicted of a felony is nearing their release date. Indeed, many of the violent offenders that ICE has claimed it has netted during Operation Metro Surge were in fact handed over to ICE by the Minnesota Department of Corrections in an orderly and legal fashion — many of them months or even years before the start of the surge.

Second, when it comes to jails in Minnesota, there is no law that requires a jail to honor an ICE detainer, nor is there a law that prohibits a jail from doing so. As befits the localized nature of law enforcement, counties may set their own policies around this issue. But

under Minnesota law, what no jail or no county can do is keep someone incarcerated on an ICE detainer longer than they are otherwise legally allowed to incarcerate them. This is widely recognized and observed by all sheriffs in Minnesota and my office issued a legal opinion to that effect a year ago.

Let me be clear that when I say “opinion,” I do not mean “opinion” in the sense of my personal opinion that the Minnesota Vikings are greater than the Green Bay Packers. Rather, Minnesota statutes empower the attorney general to issue a legal “opinion” — meaning a review and statement of an aspect of law in Minnesota — in certain circumstances. Some have asked me to retract this particular opinion, but I will not do so— both because I stand by it, and because retracting it does not change the law.

Recently, administration officials — including Border Czar Tom Homan, with whom I have had a good meeting and good conversations — have said that if only Minnesota sheriffs can allow federal immigration agents greater access to jails, the surge would end.

Since all other previously stated rationales for Operation Metro Surge do not hold up, if the only purpose for the surge now is to gain greater access to Minnesota jails, I submit that that could have been negotiated over Zoom calls.

Instead, DHS has surged more than 3,000 immigration agents to Minneapolis and Saint Paul.

So, after dismissing all the pretext, it’s clear: from the beginning, this surge has been about the Administration’s ongoing campaign of retribution against Minnesota — for our policies, our values, and how we vote. And at what cost?

- At the cost of the lives of two U.S. citizens: Renee Good, a poet and a mother, and Alex Pretti, a nurse who cared for veterans. Both were peacefully exercising their First Amendment rights to assembly and protest and neither posed a threat to federal agents. Yet federal agents took their lives.
- At the cost of the life of Minnesota resident Victor Manuel Díaz, who died in ICE custody at Camp East Montana in Texas. ICE has offered no plausible explanation for his death. People have been warning repeatedly for weeks about dangerous conditions at that facility where tuberculosis has now broken out.

- At the cost of a severe brain injury to Alberto Castañeda Mondragón. When ICE agents brought him to a Minneapolis hospital with severe skull (fractures/injuries?), they claimed he had purposefully run head-first into a wall. Medical professionals say that explanation cannot possibly account for the fractures and bleeding in his brain.
- At the cost of a shooting of an immigrant in North Minneapolis.
- At the cost of the detention of innocent young children.
- At the cost of thousands of children being unable to attend school and hundreds of businesses being forced to close. At the cost of the educations and jobs and livelihoods of countless families, and the lasting harm to Minnesota's economic prosperity and social cohesion.
- At the cost of the Constitutional rights that so many US citizens and legal residents in Minnesota have seen violated, including a Hmong elder—and US citizen—taken from his home with no warrant, and paraded into the freezing weather in his underwear.
- At the cost of the freedom of lawfully admitted refugees detained as part of Operation PARRIS—an action targeting the most carefully vetted group of immigrants for no reason other than because this Administration doesn't like their countries of origin.

The surge comes with other intangible costs that are also far too high.

It comes at the cost of a breakdown of trust between the independent, Article III federal judiciary in Minnesota and federal law enforcement. ICE has repeatedly violated the orders of federal courts in Minnesota in habeas corpus petitions and other matters. Chief Judge Patrick Schiltz of the District of Minnesota, a constitutional conservative nominated by President George W. Bush, has written that "ICE has likely violated more court orders in January 2026 alone than some federal agencies have violated in their entire existence" and that this fact "should give pause to anyone — no matter his or her political beliefs — who cares about the rule of law."

ICE's repeated violation of court orders strikes a serious blow at the separation of powers at the heart of our constitution. Every member of Congress should be concerned.

And the surge comes at the cost of the other principle at the heart of America's constitutional compact: federalism. My office and I are standing for the principle clearly stated in the Tenth Amendment: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

It is the federal government's role to set immigration law and policy. As part of that role, Congress has chosen to appropriate more taxpayer dollars to ICE than to the United States Marines. While I join many Americans in strongly disagreeing with that choice, it is your right to make it. But under the Tenth Amendment to the constitution, the federal government may not compel, coerce, or commandeer the states — including through brute force — to enforce immigration law or any of the federal government's priorities. And under the First Amendment, the government may not stifle the speech of people who oppose it or restrict their right to assemble peaceably to oppose it. Yet Operation Metro Surge routinely violates both those core constitutional principles.

This is a grave constitutional crisis.

Let me state again: no Minnesota official opposes legitimate, constitutional, and proportionate federal immigration enforcement. But Operation Metro Surge is none of those things, and its costs are too high.

The surge must end.

Chair Paul, Ranking Member Peters, and committee members, I respectfully ask you to exercise your oversight powers to do the following:

1. Require ICE to provide a full, transparent, and timely accounting of the names and vital statistics of everyone detained or deported in or from Minnesota during Operation Metro Surge, including where they are being held and the basis for their detention.
2. Further require ICE to accurately document and account for the true conditions of its detention facilities and whether or how it is meeting the needs of its most

vulnerable detainees, and to allow attorneys, healthcare professionals, and elected officials full access to them.

3. Require DHS to conduct truly independent investigations, including Minnesota state law enforcement agencies as equal partners, into the deaths of Renee Good and Alex Pretti and into every excessive use of force by federal agents during Operation Metro Surge.
4. Finally, pass comprehensive immigration reform. There would be no need for the exorbitant funding of ICE or an immigration surge in Minnesota or anywhere if Congress had taken any one of the many opportunities it has had over the years to pass comprehensive immigration reform. The best time to have done so would have been 20 or 30 years ago. The next best time to do so is now.

I have one final request, which comes from the good people of Minnesota, who care deeply about the health, safety, and constitutional rights of their neighbors and communities. It is directed to the Administration: End the surge. Now. It has already gone too far. It must not go further.