

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

JOE NEGUSE, in his capacity as a Member of
the U.S. House of Representatives, *et al.*,

Plaintiffs,

v.

Case No. 25-cv-2463-JMC

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT *et al.*,

Defendants.

DECLARATION OF REPRESENTATIVE KELLY MORRISON

I, Kelly Morrison, declare as follows:

1. I am a member of the U.S. House of Representatives, representing Minnesota's 3rd congressional district. I have been a Member of Congress since 2025. I currently serve on the House Committee on Veterans' Affairs and the House Committee on Small Business. I am also a licensed, board-certified obstetrician-gynecologist. Prior to becoming a member of Congress, I practiced as an OB/GYN for more than 20 years.

2. The information in this declaration is based on my personal knowledge or on information provided to me in the course of exercising my oversight duties as a member of Congress and as part of my efforts to serve my constituents.

3. I provide this declaration to explain how the unlawful oversight visit policy of the Department of Homeland Security (DHS) and Immigration and Customs Enforcement (ICE) prevents me from performing my oversight duties as a member of Congress and significantly harms my ability to serve my constituents at a time of extreme crisis in and around my district.

DHS and ICE Presence in the Twin Cities

4. Beginning in December 2025, DHS launched what they have described as “the largest DHS operation ever,” called “Operation Metro Surge,” sending thousands of federal law enforcement agents to Minnesota, with the primary focus on the Twin Cities metro area.¹

5. In this surge, Secretary Noem claims to have arrested thousands of individuals in a matter of weeks.

6. ICE has arrested U.S. citizens in the Twin Cities for observing law enforcement operations. ICE has arrested parents dropping their children off at school. Recently, ICE detained a five-year old boy after using him as bait to locate other family members. ICE also arrested a father holding his two-year-old daughter in his arms as he was being detained.

7. I represent the west metro area of the Twin Cities, so my constituents have been among those violently arrested and detained despite having committed no crime.

8. I heard from one constituent, who is a U.S. citizen, that he was going about his day running errands around town. While he was sitting at a stoplight, his vehicle was swarmed by ICE agents who banged on his window so hard that he thought it would break. He was violently pulled from his vehicle at gunpoint, thrown on the ground, and handcuffed so tightly that he had bruises on his wrist. And despite his repeated pleas to show ICE agents a copy of his passport to prove his citizenship, which he was carrying in his glovebox, ICE refused to listen to him or look at his passport, and instead laughed at his pleas to prove his citizenship. ICE provided him with no reason for their violent stop.

¹ Rebecca Santana and Mike Balsamo, *Homeland Security plans 2,000 officers in Minnesota for its ‘largest immigration operation ever,’* AP (Jan. 6, 2026), <https://perma.cc/KA2E-DW7X>.

9. It is my understanding that the majority of individuals arrested and detained in Operation Metro Surge are being held, at least initially, at an ICE holding facility called the Bishop Henry Whipple Federal Building (Whipple) in Fort Snelling, Minnesota.

10. However, Whipple is not set up to detain a large number of individuals, or to hold people for any extended period of time.

11. My office has received numerous reports about unsafe, cruel, and unlawful conditions inside of Whipple, including from constituents who have been detained there.

12. One constituent, who is a U.S. citizen, had just dropped his parents off at the airport when he took a wrong turn. His car was swarmed by ICE agents, and he was dragged out of his car and detained at Whipple for multiple hours. He was patted down at least eight times, shackled by his ankles in a cell, and taunted, belittled, and threatened by guards. He was eventually released without charge.

13. An army veteran and Purple Heart recipient was tackled and aggressively arrested by ICE agents while peacefully observing ICE agents just a few blocks from where Renee Good was killed. He was detained in a cell at Whipple for more than 8 hours and not allowed to contact a lawyer. He was released without charge.

14. As a physician, I have a particular concern about reports that ICE is not providing adequate medical care to detainees at Whipple. I have heard reports that there is *no* medical care being provided at Whipple, and that individuals do not have access to necessary medications. For example, I heard a report that one individual had what was described as a significant seizure while in custody. She was motionless when the seizure ended. Instead of immediately calling 911, the guards debated whether or not she was faking a seizure before finally calling for emergency help. I have also heard reports that a man arrested in Minnesota suffered a heart attack. Instead of receiving necessary medical care, he was transported to another detention facility in Texas where he died. I

have also received reports that a man who was detained at Whipple was injured and taken to a local hospital, where nurses reported that he had a skull fracture, and would either be permanently brain injured or not survive.

15. As an OB-GYN, I am especially concerned about reports that women are lacking access to basic medical care in custody, including prenatal and postnatal care. For example, if a woman is lactating and separated from her infant, lack of access to basic equipment like a breast pump creates a risk of developing mastitis or a breast abscess.

16. I have also heard disturbing reports about other unacceptable conditions at Whipple. This includes: individuals sleeping on a concrete floor with no blanket or pillow; inadequate food; lack of access to counsel; extreme overcrowding; a communal toilet in view of all detainees; a lack of toothbrushes, soap, and other hygienic products; and no showers. I have been told that individuals have been held in these conditions for multiple days at a time. I have also received reports that ICE shackles the feet of detainees while they are in custody. I received reports that, at one point, at least 130-140 individuals were being detained in a room that is only supposed to hold 20-30 people. However, I have no way to confirm any of this information because ICE has refused to allow me to access this facility.

17. I have also received reports that many of the new agents coming into Whipple from out of state are not adequately trained and are roughing up the detainees, swearing at them, calling them names, belittling them, and generally behaving in an unprofessional manner.

18. It is in my interest, in the interest of my constituents, and important to the performance of my duties as a member of Congress representing the suburbs of Minneapolis that I be able to conduct oversight of DHS facilities to ensure that any individuals detained directly by DHS and ICE are treated humanely and in compliance with all relevant federal laws. Given the number of DHS arrests in the Twin Cities area from Operation Metro Surge, and the outpouring of

reports I am receiving, including from constituents who have been detained at Whipple, it is important that I be able to conduct oversight of this facility immediately and without notice.

Defendants' Unlawful Obstruction of my January 10, 2026, Oversight Visit

19. Given the reports that I was hearing about the conditions at the Whipple facility, I determined that it was imperative that I conduct an unannounced visit to this facility to assess the conditions myself. As a physician, it is of particular importance to me that I be able to assess the medical care that ICE is providing to detainees by speaking with detainees and employees about that care.

20. On January 10, 2026, I attempted to conduct an unannounced oversight visit at the Whipple facility. I was accompanied by Representatives Ilhan Omar and Angie Craig. We were accompanied by three staff members.

21. As a courtesy, while we were en route, Representative Craig called David Easterwood, Acting Field Office Director for Enforcement Removal Operations (ERO) St. Paul to let him know that we were on our way to the facility to conduct an oversight visit.

22. It was our expectation that we would be able to conduct an unannounced oversight visit because of this Court's order staying DHS's policy requiring advance notice.

23. When we arrived at the facility, we identified ourselves as members of Congress and were met by a phalanx of at least 20 ICE and other law enforcement agents dressed in fatigues, wearing bulletproof vests and masks covering their faces. These officers were carrying tear gas and were heavily armed. The officers did not have name tags or other individual identification. They looked like they were dressed for a military war zone. At no point did we see or speak with David Easterwood.

24. We were let in past the barricade and guard station. We then entered the building and proceeded through the lobby. We were not required to go through metal detectors, asked if we

were armed, or told that we could not take pictures. We were told that our staff had to remain in the lobby, where they waited while we were led into what we thought was going to be an oversight visit.

25. We were led down some stairs to what appeared to be a control room, or a processing room, but again no one told us what anything was. The room we were led into had people working at computers in the middle of the room, and along one side were a series of small, single-stall rooms where detainees were seated. On the other side of the room there was a long bench that had men sitting on it, mostly sitting with their heads in their hands.

26. We were then met by the Executive Associate Director for ICE Enforcement and Removal Operations (ERO) and the Deputy Director for ICE ERO. We identified ourselves as members of Congress and informed them that we were there to conduct an oversight visit.

27. The directors informed us that our request to visit had not been granted because the “operation is being funded by OB3 funds.” When we repeatedly asked for an explanation, they said we were being denied access because “it” was being funded by the One Big Beautiful Bill without providing us with any additional explanation.

28. We informed the directors of this Court’s December 17 opinion staying the seven day notice requirement, provided them with a written copy of the Court’s order, and stated that ICE’s denial of access was not consistent with that order and was impeding our ability to conduct oversight as members of Congress. We explained that we had the right to visit the facility for oversight without providing notice and that ICE’s denial violated that right.

29. At no point did the directors reveal that DHS had issued a memo reimposing a seven day notice requirement.

30. The directors also claimed that they were not detaining individuals but were simply holding people for processing.

31. During this conversation, the directors said that a privacy waiver release form would be required, but they did not explain why such a form would be required or what it would be required for. Also during this conversation, one employee repeatedly interrupted us and aggressively demanded to know whether we had taken any pictures of the facility. As part of my job, I am often speaking with federal government employees, including law enforcement and members of the military. This employee's lack of decorum was striking, as were his attempts to try to intimidate us. And it made me wonder, if ICE is treating elected members of Congress with such impunity, how are they treating people in their custody? Unfortunately, from the many stories I have heard about the treatment of individuals in custody at Whipple, the question answers itself.

32. I told the officers that ICE's presence in Minnesota was raising tensions in the community and that our ability to conduct oversight of this facility would go a long way to bringing down the temperature. This request was ignored.

33. Because ICE denied our entry, we were not able to conduct an oversight visit of this facility or speak with ICE personnel or detainees about the conditions in the facility. I was not able to assess the medical care being provided to detainees.

34. My office subsequently emailed ICE OCR to inform them that members of my staff and I planned to visit the Whipple facility to conduct an oversight visit when I would be scheduled to be in the district. ICE OCR confirmed that visit.

The Importance of Facility Visits to My Oversight and Legislative Work

35. During my time in Congress, I have participated in legislation related to the conduct of ICE officers and transparency measures to improve the public's safety and trust. I am a cosponsor of the No Secret Police Act, which would require agents detaining or arresting individuals in connection with a border security or immigration enforcement function to clearly identify the agency they are with and ban the use of face coverings. I am also a cosponsor of the Stop Excessive

Force in Immigration Act, which would codify standards for appropriate use of force by immigration enforcement personnel. I have also signed letters to the Administration regarding the treatment of pregnant women in detention and ICE enforcement efforts against service members, veterans, and their families.

36. As a Member of Congress, it is my duty to advance policies that meet the most pressing needs of my constituents. My office has received a significant amount of outreach from constituents who are concerned about ICE's conduct in Minnesota, especially since the beginning of Operation Metro Surge. These inquiries have included first-hand accounts of the harmful impact of ICE's presence and behavior on schools, businesses, hospitals, and families in my district. ICE agents are violating Minnesotans' constitutional rights, unlawfully detaining and arresting United States citizens, racially profiling people, terrorizing our communities, forcing schools, restaurants, and businesses to close, preventing Minnesotans from seeking essential medical care, and using increasingly aggressive, excessive, and even lethal force against Minnesotans that has now killed two 37-year-old United States citizens.

37. I have also heard from constituents who have described the overwhelming fear and stress that Operation Metro Surge has inflicted on our community. It is clear that oversight of ICE is a top priority for my constituents.

The Significant, Irreparable Harm from Defendants' Unlawful Obstruction

38. Federal law requires DHS to allow any member of Congress to visit any DHS detention facility for the purpose of conducting oversight without providing advance notice. It is critical for me to understand how funds are being used in real time on the ground in immigration detention. This close oversight informs each of us on how to best serve our constituents. This is especially important for me as a member of Congress representing the suburbs of Minneapolis:

tensions within my community are very high because of ICE's surge in operations, violent arrest tactics, and detention in Minneapolis.

39. DHS and ICE's refusal to permit me to conduct oversight at the Whipple facility without seven days' notice hinders my ability to perform my duties as a member of Congress. Based on direct reports from members of my community, it is clear that individuals have been detained at Whipple overnight, and sometimes for multiple nights, in overcrowded and unsafe conditions. It is imperative that I be able to conduct unannounced visits to ICE facilities in order to assess the actual conditions of these facilities and to ensure that DHS and ICE do not have time to hide unacceptable conditions prior to my visit. It is also important to my duties as a Member of Congress to ensure that the conditions under which these individuals are detained are safe, humane, and in accordance with federal law.

40. I have received significant outreach from my constituents about the inhumane, cruel, and unsafe conditions at Whipple. When we receive reports that detained individuals haven't been fed sufficient meals, that individuals are not receiving their medication or adequate medical care despite being in life threatening situations, or that individuals haven't been able to shower in several days, it is important that I be able to visit the facility in person, in a timely fashion, to ensure public safety and investigate the circumstances—rather than submitting inquiries to and waiting on a response from administration officials and simply taking their word for it in all instances.

41. Because of my expertise as a physician, I have particular concern about the reports that I have heard about inadequate medical care being provided at Whipple, it is critical that I be able to speak directly to detainees about their experiences and the medical care they have been provided while in custody. It is also important that I speak with those in charge of detaining individuals and providing or assessing one's need for medical care. This includes what their protocol is for individuals who have medical conditions to get the medical care and medications that they

need. A lack of proper medical care, including an inability to access medications, could be life-threatening.

42. Oversight needs to happen in real time. Emergencies don't happen with seven days' notice. Nor do the realities on the ground often allow for seven days' delay. If individuals lack food, showers, and basic medical care, those are situations that need to be rectified immediately to ensure that individuals in ICE custody are being treated humanely and consistent with federal law. If an individual does not receive their medications, they could die or suffer serious health consequences.

43. On January 24, 2026, DHS officers shot and killed Alex Pretti, a Minneapolis resident who was observing ICE along with other residents. I immediately began receiving reports that DHS arrested witnesses who had filmed the shooting and took them to Whipple (along with their phones) where they did not have access to lawyers. But for ICE's unlawful oversight visit policy, because I was in Minneapolis, I would have immediately conducted an oversight visit at Whipple to investigate why ICE officers had kidnapped witnesses off the street and put them into ICE custody.

44. Additionally, requiring seven days' notice can present a significant and sometimes insurmountable scheduling barrier to conducting an oversight visit. My work as a member of Congress causes my schedule to be very fluid due to unpredictable vote schedules, unexpected Committee activity, and constant travel between D.C. and my district. Minnesota also experiences extreme weather, which can impact travel ability and plans. This unpredictability often makes it impossible to schedule and attend an oversight visit with more than a couple of days' notice, if that.

45. I intend to continue engaging in on-the-ground, real-time oversight of the Whipple facility, because timely and accurate information is critical for me to conduct oversight, craft legislation, and otherwise serve my constituents.

46. Defendants' refusal to permit me to conduct oversight at the Whipple facility without seven days' notice thus significantly hinders my ability to perform my duties as a member of Congress.

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Executed this 26th day of January 2026.

A handwritten signature in black ink, reading "Kelly Morrison". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

KELLY MORRISON