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Illinois Just Made It Legal To Sue ICE Agents For $10,000 Per Unlawful Arrest

Free states once defied the Fugitive Slave Act by blocking federal overreach. California and Illinois now revive that resistance through modern civil rights law.

By W. A. Lawrence

December 10, 2025

Illinois Just Gave Residents the Power to Sue ICE Agents for $10,000 Over Unlawful Arrests. It is one of the strongest state-level civil rights tools in the country.

Yesterday, Gov. JB Pritzker signed HB 1312 allowing any Illinois resident to sue ICE agents for constitutional violations and collect at least $10,000 plus attorney fees, while creating 1,000-foot enforcement-free zones around every courthouse where federal agents cannot run. When Wisconsin used identical tactics to block enforcement of the Fugitive Slave Act in 1859, Georgia cited it in its secession declaration as justification for leaving the Union. California, New York, Massachusetts, and Oregon are now watching to see if they should follow Illinois, and constitutional scholars warn this could fracture the country along state lines in ways not seen since the 1850s.

More than 3,000 arrests in Chicago since September. Only 16 of 614 classified as dangerous. The rest were shopping, commuting, and dropping kids at school.

Operation Midway Blitz produced those numbers, and federal records prove the operation targeted ordinary people rather than violent criminals. Silverio Villegas González was shot and killed by an ICE agent during a traffic stop in Franklin Park. Marimar Martinez was shot by a Border Patrol agent in Brighton Park before prosecutors dismissed all charges against her. The body count and the arrest statistics together created the political momentum that pushed Illinois to weaponize state law against federal enforcement.

Pritzker signed the law in Chicago's Little Village surrounded by immigrants, attorneys and state legislators, establishing the 1,000-foot courthouse zones while allowing individuals to sue federal officers with statutory damages of at least $10,000 plus attorney fees and expanding protections at schools, daycare centers, hospitals and universities through required procedures that prevent sharing information or facilitating arrests.

Illinois Set a $10,000 Minimum Cost for Unlawful ICE Arrests

Judge Sara Ellis has already intervened by issuing a preliminary injunction requiring federal agents operating in Chicago to use body cameras while providing audible warnings before deploying chemical agents or impact rounds and complying with identification requirements, but the new law goes further by creating financial liability for individual agents who violate constitutional rights during enforcement operations. Every agent now runs under the threat of personal bankruptcy if they violate someone's rights within 1,000 feet of a courthouse.
Democratic States Have Been Building Legal Resistance for Months

California acted immediately after the November election. Governor Gavin Newsom convened a special legislative session on December 2, 2024, and directed lawmakers to build a twenty five million dollar litigation fund to challenge federal overreach. Illinois escalated the fight one year later. Lawmakers passed the Illinois Bivens Act, HB 1312, on December 9, 2025, and Governor JB Pritzker signed it into law. Illinois now bans civil immigration arrests near courthouses, hospitals, schools, and daycares, and gives residents the power to sue federal immigration agents who violate constitutional rights during civil enforcement. Victims can recover at least ten thousand dollars in statutory damages, plus attorney fees and possible punitive damages.

Illinois moved the battle into a new arena. Other states limited cooperation with federal immigration enforcement. Illinois created a civil rights remedy that holds individual federal agents financially accountable when they break the law.

When States Used These Exact Tactics, the Union Collapsed

These policies draw directly from the legal tradition built by Northern states resisting the Fugitive Slave Act of 1850, which denied accused fugitives the ability to testify while eliminating jury trials, increasing commissioner fees when they certified a person as enslaved and imposing harsh penalties on anyone who offered assistance, prompting Vermont, Massachusetts, Wisconsin, Michigan and Pennsylvania to enact personal liberty laws providing habeas corpus protections while guaranteeing legal counsel, requiring jury trials and placing heavy evidentiary burdens on anyone attempting to prove a person was enslaved.

In Ableman v. Booth, the Wisconsin Supreme Court released an abolitionist who had freed a captured fugitive and declared the federal statute unconstitutional, but although the United States Supreme Court overturned that decision and asserted federal supremacy, Wisconsin refused to comply by passing a resolution declaring the Supreme Court's decision void while continuing to block federal marshals from using state facilities to detain accused fugitives. Southern states watched this defiance with mounting fury until Georgia's secession declaration explicitly cited Northern states that

“have enacted laws which either nullify the Acts of Congress or render useless any attempt to execute them” while South Carolina’s declaration condemned states that had “denounced as sinful the institution of slavery” and “encouraged and assisted thousands of our slaves to leave their homes.”

When Wisconsin defied the Fugitive Slave Act in 1859, Georgia cited it as justification for secession. Illinois just revived the same legal tactics.

Contemporary sanctuary laws descend directly from that earlier resistance through the anti-commandeering doctrine affirmed in Printz v. United States, which established that the federal government cannot compel state officials to carry out federal programs, but Illinois has stepped beyond this defensive posture by creating state statutory damages for constitutional violations committed by federal officers during enforcement operations. The deployment of National Guard troops to Chicago over the objections of both the governor and the mayor produced immediate litigation while protests outside the Broadview detention facility grew larger following the shooting incidents as Illinois State Police were deployed to manage demonstrations even while the state simultaneously sued the federal government over the presence of federal forces.

What Happens When the First Lawsuit Hits

When ICE conducts an arrest within 1,000 feet of an Illinois courthouse, the arrested individual will file suit under HB 1312 seeking the statutory minimum of $10,000 plus attorney fees, prompting the federal government to move for dismissal on grounds of sovereign immunity and federal supremacy while forcing an Illinois state court to rule on whether a state statute can impose civil liability on federal officers performing duties authorized by federal law in a ruling that will be appealed regardless of outcome and reach the Seventh Circuit Court of Appeals within months.

If other states follow Illinois by creating similar private rights of action against federal agents, ICE will face enforcement in states containing more than 100 million Americans under legal frameworks exposing federal officers to personal civil liability in state courts, which will prompt the Department of Justice to file suit seeking declaratory judgments that these statutes are preempted by federal immigration law and unconstitutional under the Supremacy Clause as multiple cases reach the Supreme Court simultaneously.

If the Supreme Court strikes down these statutes, Democratic governors will face a choice between compliance and continued resistance through alternative legal mechanisms, but if the Court upholds them or declines to resolve the conflict quickly, immigration enforcement will fracture along state lines in a manner not seen since the 1850s as federal agents operate freely in states that cooperate while facing coordinated legal warfare in states that resist.

How Citizens Can Pressure State Governments to Act

A coordinated letter-writing campaign to your state attorney general carries substantially more weight than most people recognize because attorneys general possess independent authority to issue legal opinions that shape how state agencies interact with federal enforcement, meaning that if your state attorney general issues an opinion declaring that state employees have no obligation to assist ICE operations, local police departments and state agencies must comply with that directive regardless of the governor's position.

Organizing these campaigns requires assembling the text of Printz v. United States alongside the relevant provisions of your state constitution and documentation of ICE enforcement actions in your state, then pairing those materials with a clearly articulated request that your governor adopt policies modeled on Illinois HB 1312 using the comprehensive petition toolkits that immigrant rights organizations have developed, which include state-specific statutory citations and model executive orders while remaining publicly available and designed for citizens without legal training to deploy effectively.

Governors respond to political pressure measured in legal exposure and electoral consequences. Every signature on a petition creates a constituent on record demanding protective action. If your governor refuses and ICE subsequently conducts an operation producing injuries or deaths, those petition signatures become evidence in wrongful death lawsuits alleging the governor had notice and failed to act. Democratic governors in blue states cannot afford to be outflanked on immigrant protection by Illinois, California, New York, Massachusetts and Oregon. Republican governors in purple states cannot afford to be seen as facilitating federal operations that produce civilian casualties in their jurisdictions.

Michigan, Pennsylvania, Wisconsin, Nevada, Arizona, Colorado, Minnesota and New Mexico all contain sanctuary jurisdictions currently fighting federal funding threats in court. Contact your state attorney general now and demand they adopt policies modeled on Illinois HB 1312. If your state doesn't have active campaigns yet, start one today using publicly available toolkits from immigrant rights organizations that include state-specific statutory citations and model executive orders designed for citizens without legal training to deploy effectively. The toolkits are free, the stakes are existential, and the window to act is closing.

What This Actually Means for You

If you live in Illinois and ICE stops you within 1,000 feet of any courthouse, you can sue

the federal government for $10,000 plus attorney fees starting immediately, while if you teach, practice medicine or work at a university in Illinois, your institution must now block ICE from accessing records without judicial authorization and you have legal backing to refuse cooperation.

Illinois fired the opening shot in what legal scholars are calling the greatest test of American federalism since Reconstruction as California has $25 million ready to deploy in litigation while New York's attorney general is investigating every cooperation incident as Massachusetts is funding deportation defense and Oregon is daring Washington to sue.

The question is how many states will follow, how fast, and whether the Supreme Court will stop them before enforcement becomes impossible in states containing half the country's population.

Illinois created a civil rights tool with real force. HB 1312 gives residents a direct avenue to sue federal immigration agents who violate constitutional limits and exposes those agents to statutory damages, attorney fees, and full judicial scrutiny for unlawful arrests within one thousand foot courthouse protection zones. Personal Liberty Laws once allowed free states to push back against federal power that targeted their communities. Illinois advances that tradition through modern law and turns state courts into an active check on federal immigration enforcement.

History does not repeat itself with precision, but it rhymes with remarkable consistency. This rhyme is about to shatter windows.

W.A. Lawrence is the author of the Substack blog Glass Empires.

Substack: The Existential Republic

How Extrajudicial Killings Became Legal
And how we can change that without waiting for a single election.

Christopher Armitage

January 10, 2026

Here are three clear demands:

One: Agents identify or face arrest. Badge number, name, agency. Refusal means you have no authority. Prosecute accordingly.

Two: States prosecute federal agents who commit crimes. When the feds intervene, keep prosecuting. Stopping is acquiescence. Continuing is justice.

Three: Prosecute Jonathan Ross for the murder of Renee Nicole Good.

In February 2013, the Police Executive Research Forum completed an internal review that Customs and Border Protection had commissioned. The nonprofit organization, which develops best practices for law enforcement agencies, examined use-of-force incidents along the border.[1]

Among its findings: Border Patrol agents had deliberately stepped in front of moving vehicles to manufacture justification for shooting the drivers. Agents had fired across the border at rock throwers when simply moving away would have resolved the situation. The agency demonstrated what the review called a "lack of diligence" in investigating incidents where agents discharged their weapons.[1]

The report recommended that Border Patrol bar agents from shooting at vehicles unless lives were threatened and prohibit firing at rock throwers entirely. Customs and Border Protection rejected both recommendations. Border Patrol Chief Mike Fisher told the Associated Press that implementing such restrictions would be "very problematic" and "potentially put Border Patrol agents in danger."[2]

The agency then attempted to suppress the scathing twenty-one page report from public view.[3]

That sequence of events captures something essential about how the United States arrived at a system where federal agents can kill without meaningful legal consequence. The mechanisms that permit this did not emerge from legislation or executive policy. They emerged from decades of judicial decisions that gradually erected an architecture

of impunity so thorough that it has become the norm rather than the exception.

The doctrine of qualified immunity provides the first layer of protection. In 1967, the Supreme Court decided Pierson v. Ray and held that police officers could claim immunity from civil suits if they acted in "good faith" and with "probable cause."[4] The Court reasoned that officers should not face financial ruin for doing their jobs. This seemed reasonable enough at the time.

But in 1982, the Court transformed the doctrine in Harlow v. Fitzgerald.[5] It eliminated the good faith requirement entirely. Government officials would now receive immunity unless their conduct violated "clearly established law," which courts have interpreted to mean a prior decision involving nearly identical facts.

The perverse result is that constitutional violations can go unremedied indefinitely. A victim must point to a previous case where another official engaged in essentially the same conduct and was held accountable. If no such case exists, the official receives immunity regardless of how egregious the behavior. Courts sometimes acknowledge that an official violated the Constitution and then grant immunity anyway because no sufficiently similar case preceded it.

As Judge Carlton Reeves wrote in a 2024 opinion denying qualified immunity, the doctrine means government agents "can get away with violating your rights as long as they do so in a novel way."[6]

Justice Sonia Sotomayor has repeatedly criticized this framework. In her dissent in Kisela v. Hughes, she described a "disturbing trend" of courts siding with officers who use excessive force, noting that qualified immunity has become "an absolute shield" that "tells officers that they can shoot first and think later."[7]

The case involved an Arizona officer who shot a mentally impaired woman four times as she stood stationary in her driveway holding a kitchen knife at her side. The Court granted immunity because no prior decision had established that this precise conduct was unconstitutional.[7]

Federal agents enjoy additional protections beyond qualified immunity. Civil suits against federal officers arise under Bivens v. Six Unknown Named Agents, a 1971 decision that created a damages remedy for constitutional violations by federal officials.[8] But the Supreme Court has spent the past two decades severely restricting when Bivens claims can proceed.

In Ziglar v. Abbasi, decided in 2017, the Court held that extending Bivens to any "new context" requires courts to exercise extreme caution.[9] What counts as a new context has

proven remarkably broad.

The case of Hernandez v. Mesa demonstrates how these doctrines combine to produce complete immunity for federal agents who kill.[10] In June 2010, Border Patrol Agent Jesus Mesa Jr. shot and killed Sergio Adrián Hernández Güereca, a fifteen-year-old Mexican boy. Mesa stood on American soil in El Paso. Hernández stood on Mexican soil in Ciudad Juarez. Video footage contradicted Mesa's claim that Hernández had thrown rocks at him.

The Department of Justice investigated and concluded that Mesa had not violated agency policy, declining to bring charges.[10]

When Hernández's parents sued Mesa under Bivens, the Supreme Court held in 2020 that they could not proceed because a cross-border shooting constituted a "new context" with "foreign relations and national security implications." Justice Samuel Alito's majority opinion acknowledged that extending Bivens might provide justice to the family but concluded that doing so would interfere with the executive branch's authority over border security and foreign policy.[10]

The Court suggested that if such families deserved a remedy, Congress should create one.[10]

This is the system we inherited. And now we are watching it metastasize.

Since January 2025, Immigration and Customs Enforcement agents have conducted raids across the country while masked, in plainclothes, and without visible identification. Human Rights Watch documented agents concealing agency insignias and using unmarked vehicles to detain people at courthouses, schools, workplaces, homes, and on public transport.[11]

ICE justifies the practice as necessary "to prevent doxing." One federal district court judge dismissed that rationale as "disingenuous, squalid and dishonorable," writing that "ICE goes masked for a single reason: to terrorize Americans into quiescence. We have never tolerated an armed masked secret police."[11]

Except we have been tolerating it for the past year. Are we going to tolerate it for another year? And if the next election does not go our way, or gets stolen, then what? We wait another two years after that?

The Center for American Progress reported agents swinging batons, smashing car windows, using explosives to blow doors off homes with children inside, emerging from unmarked vehicles with weapons drawn, and grabbing people off the street.[12]

Criminals have exploited this chaos. A South Carolina man was charged with kidnapping after posing as an agent and confronting a Latino driver. A Florida woman kidnapped her ex-boyfriend's wife while wearing an "ICE" shirt and a mask. In Philadelphia, a man posing as an agent robbed an automobile shop. In Minnesota, a man allegedly disguised as law enforcement murdered a state legislator and her husband.[13]

On January 7, 2026, ICE agent Jonathan Ross shot and killed Renee Nicole Good, a thirty-seven-year-old woman whose car had briefly blocked traffic during an enforcement operation.[14] Video shows Ross drawing his weapon and firing three shots as she drove away. The car crashed into a light pole about one hundred feet down the road.

ICE is not law enforcement. It is an immigration enforcement agency with jurisdiction limited to immigration matters. A woman blocking traffic is not an immigration matter. These agents operate as though they possess general police powers. They do not.

President Trump immediately claimed on social media that Ross acted in "self defense." There will be no federal prosecution. Everyone knows that, even the GOP.

The legal architecture works precisely as intended. Qualified immunity blocks civil suits unless a victim can point to a prior case with nearly identical facts. Bivens restrictions prevent extending damages remedies to any new context, which proves remarkably easy to manufacture. Local prosecutors face pressure not to pursue charges, or to overcharge to sabotage potential convictions. Federal investigators with integrity have been fired or resigned.

The Heritage Foundation Supreme Court wants this.

We cannot wait until the next election to address the "secret police abducting and murdering people without anyone stopping them" problem.

We do not get to operate in this environment for years and remain a democracy. Masked, unidentified agents snatching people off streets in unmarked vehicles is not compatible with constitutional governance. The FBI will not hold these agents accountable. The Department of Justice will not prosecute them.

These organizations are not going to hold themselves accountable.

Part of why we have lost so much ground is the mismatch between how our side operates and how theirs does. The attorney mindset says: we will pass legislation creating a ten thousand dollar fine for agents who refuse to identify themselves. We will establish a hotline for reporting misconduct. We will form a commission to study the

problem.

In the months it takes institutionalists to draft legislation, hold hearings, negotiate amendments, and celebrate incremental progress, fascists enact massive structural changes that render those incremental gains meaningless.

An effective response means stepping up with the same urgency. An executive order at the state level: if you claim authority to detain people or use force in this state and refuse to identify yourself when asked, we treat you as a criminal acting with malintent.

If you are a local or state law enforcement officer who refuses to enforce state law against federal agents committing crimes, you lose your job. If you obstruct state prosecutions, you face charges yourself. Police departments that refuse to cooperate get their leadership replaced. Everyone who breaks the law faces prosecution to the fullest extent.

Local and state law enforcement should respond to reports of armed, masked individuals grabbing people off the street as what they appear to be: kidnappings and assaults in progress. If someone claiming to be law enforcement refuses to identify themselves, they have not established that they are law enforcement. Dispatch should treat these calls as high priority. Officers should respond as they would to any violent crime.

If local police departments refuse to respond, governors should engage the National Guard. The safety of residents cannot depend on taking the word of someone masked, armed, wearing gear you can buy off eBay, and screaming “get the fuck out of the car bitch.”

Nobody gets to be above the law.

Yes, this is disruptive. It is disruptive because it reinstitutes rule of law when the more powerful actor in the situation has abandoned it.

This is what wins. We are using these tactics to enforce accountability and protect constitutional rights, not to destroy them. We are not seizing power to abuse it. We are wielding power to prevent abuse. That distinction matters.

But the tactical reality remains: incremental measures designed to avoid conflict do not work against adversaries who embrace conflict. We either match their willingness to act decisively or we lose.

If the pearl clutchers need to sit this one out, please do so.

States can prosecute federal agents who commit criminal acts. The Supremacy Clause provides some protection for federal officials, but only when they are reasonably acting within the bounds of lawful federal duties.[15]

Shooting into a vehicle at a driver who poses no threat to anyone is not a lawful federal duty. Smashing windows, beating civilians, and conducting home invasions without identification are not lawful federal duties.

Minnesota has successfully prosecuted police officers for murder before. States can prosecute ICE agents too.[16]

The process will be contested. Federal law allows defendants to remove state criminal prosecutions to federal court. The Trump administration will fight every prosecution with every tool available.

Deputy Attorney General Todd Blanche has already claimed that prosecuting federal agents constitutes conspiracy to interfere with immigration enforcement. Deputy Chief of Staff Stephen Miller told ICE officers that "anybody who lays a hand on you or tries to stop you or tries to obstruct you is committing a felony."[15]

He is lying.

Multiple states have indicted, charged, and arrested federal officers for conduct that exceeded their official duties. Virginia charged a federal tax collector posse with shooting horses and cattle during an 1898 shootout. The history of state prosecution of federal officials stretches back to the War of 1812.[16]

States possess this authority. The federal government will try to remove cases to federal court and sabotage them through sympathetic judges. So let them. Run the prosecutions anyway. Build the record. Make the arguments. Create the precedent. Even if individual prosecutions fail in hostile federal courts, the documentation establishes facts that may support future prosecution when the political environment changes.

The conflict has to happen. There is no path through this that avoids it. They are the ones writing rules that place themselves above the law.

If the federal government will not provide accountability, and if federal courts have constructed an architecture specifically designed to prevent accountability, then states must provide it instead. That is what federalism means. That is what it has always meant.

State attorneys general should establish portals for civilians to report encounters with unidentified federal agents and should investigate every report. Prosecutors should bring

charges where evidence supports them.

We are not asking permission. The administration has made clear that it considers itself above accountability. It has constructed an enforcement apparatus designed to terrorize communities while remaining invisible to legal consequence.

The response cannot be to wait politely for the next election while masked agents assault, kidnap, and murder innocent people. The response must be to use every tool available to impose the consequences that the federal government refuses to impose.

Some of this will fail. Federal courts will block some prosecutions. The administration will retaliate against states that resist. There will be chaos and conflict and uncertainty.

But the alternative is acquiescence to a system where government agents can kill without identification, without accountability, and without consequence. That is not a system compatible with constitutional democracy.

We either resist it or we accept it. There is no third option.

Three demands. There is no legal rule that says anyone is above the law. Not the Supremacy Clause. Not qualified immunity.

One: Identify or be arrested. Badge number, name, agency. Refusal means you have no authority. Prosecute accordingly.

Two: States prosecute federal agents who commit crimes. When the feds intervene, keep prosecuting. Stopping is acquiescence. Continuing is justice.

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