

# Proposal for Federal Emergency Action in Minnesota: Unified Command Under the Stafford Act

Minnesota is experiencing an unprecedented breakdown in the enforcement of federal immigration law and public order due to state and local non-cooperation. State authorities have openly defied federal law (through "sanctuary" policies and refusal to assist U.S. Immigration and Customs Enforcement), leading to a situation where dangerous individuals remain at large and federal officers face hostile conditions. This has culminated in a **domestic emergency affecting public welfare** – a scenario in which the federal government must intervene to uphold the rule of law and protect public safety. In response, this proposal outlines a *unified federal command structure* and legal justification for immediate federal action in Minnesota, centered on the temporary **federal use of the Minnesota State Fairgrounds and the University of Minnesota–St. Paul campus** as a large-scale **Administrative Immigration Processing Center**.

The goal of this proposal is to **initiate** federal emergency measures – not as a punitive or permanent takeover, but as a **proportional, temporary, and lawful intervention** to restore order and process immigration cases efficiently. We recommend that the President invoke his authority under the Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act"), in tandem with a National Emergency declaration and limited **Insurrection Act** support, to establish a federally-managed operational footprint in Minnesota. This will enable a **unified command environment** led by the Federal Emergency Management Agency (FEMA) for logistics and support, while integrating the roles of immigration authorities and security forces in a controlled, legal manner. The outcome will be a high-capacity processing hub where due process is upheld by on-site adjudicators, and immigration laws are executed faithfully despite local resistance.

In summary, this document presents a persuasive legal and operational justification – grounded in the Constitution, federal statutes, and precedent – for the President and interagency partners (DHS, DOJ, DOD, and others) to proceed with establishing a unified federal command center in Minnesota under emergency authorities. All actions proposed are **forward-looking**: they are to be taken **before or at the onset of** federal intervention, as a means to **initiate** emergency measures that preempt further disorder and legal breakdown.

## Legal Authority for Invoking Federal Emergency Powers

**Stafford Act – Emergency Declaration and Federal Facilities Use:** The Stafford Act (42 U.S.C. § 5121 *et seq.*) provides the primary legal framework for federal emergency management. By declaring an emergency under the Stafford Act, the President can direct federal agencies (through FEMA) to assist state and local efforts and **provide resources essential to meet immediate threats to life and property**. In this case, the collapse of immigration enforcement and public safety in Minnesota qualifies as an emergency that has overwhelmed state capacity and threatens public welfare. Notably, the President's emergency declaration would mirror the approach used in prior situations such as the 2019 Southern Border Emergency, where an influx of unlawful migration was deemed a threat to national security and an emergency declaration was used to marshal federal resources.

Under the Stafford Act, **FEMA is empowered to coordinate relief efforts and may "acquire, requisition, or utilize private and public facilities and supplies needed for the emergency, with compensation to the owners. This means the federal government can temporarily appropriate or use the Minnesota State Fairgrounds and University campus as emergency facilities during the crisis. Indeed, pursuant to emergency management statutes (including the Stafford Act), federal authorities can take custody of state facilities for public use on the premise of a declared emergency. Such use of local infrastructure for federal emergency operations is not without precedent – for example, state fairgrounds and sports arenas have been used as disaster response centers and mass shelters in past emergencies (often with FEMA support). All such usage under Stafford Act authority is accompanied by statutory reimbursement provisions\*\* to ensure the state or property owner is justly compensated and the property restored after the emergency.**

Importantly, invoking the Stafford Act in this context **does not federalize law enforcement or impose martial law**; rather, it enables a *civil emergency management mission* to support the administrative and humanitarian aspects of the operation. FEMA, as the lead agency, would manage logistics, shelter, medical support, and facility operations – **separate and distinct from any police powers**. This separation preserves constitutional balance: immigration enforcement actions



continue under their ordinary legal authority (Immigration and Nationality Act processes and judicial oversight), while FEMA's Stafford Act role provides the **infrastructure and coordination** to make those processes effective at scale. In short, a Stafford Act emergency declaration is the linchpin for converting the fairgrounds and campus into a federal emergency facility and **justifies the unified federal command structure with FEMA at the helm**.

**National Emergencies Act – Mobilization of Additional Resources:** In tandem with the Stafford Act, the President should invoke the National Emergencies Act (50 U.S.C. § 1601 *et seq.*) to unlock additional federal authorities needed for this operation. A National Emergency declaration provides flexibility to **invoke specific statutory powers** that Congress has made available in crises. In this scenario, the President would cite particular provisions – for example, **10 U.S.C. §§ 12301-12302** or related statutes – to **activate reserve components or federalize the National Guard**, and emergency fiscal authorities to redirect funding for the surge operation. During the 2019 border emergency, for instance, a national emergency was declared which allowed reprogramming of funds and rapid construction of facilities for border enforcement. Similarly here, an emergency declaration will facilitate urgent procurement, hiring of temporary personnel, and construction of any needed temporary structures under expedited procedures.

Procedurally, the National Emergencies Act ensures accountability: the President must notify Congress and periodically report on the emergency, which **expires after one year unless renewed**. Congress retains the power to terminate the emergency by joint resolution. These safeguards underscore that any powers used are **temporary, transparent, and subject to oversight**. The emergency powers contemplated (such as funding augmentations and troop activations) would be **carefully tailored to the Minnesota situation** and drawn only from existing statutory authority. This approach is both legally sound and prudent – it shows that the administration is acting within the scope of law and precedent, using tools Congress provided for exactly this type of governance challenge.

**Insurrection Act (10 U.S.C. §§ 251–254) – Limited Security Support:** To ensure security for the operation, the President is advised to invoke, if necessary, the Insurrection Act – a set of laws that permit the use of federal troops or National Guard to restore public order and enforce federal laws when rebellion or obstruction make it impracticable to enforce the law by ordinary means. Given that Minnesota's authorities are unwilling or unable to enforce federal immigration law (and indeed have **actively impeded** federal operations), the situation meets the threshold of 10 U.S.C. § 253 (failure to protect constitutional rights and uphold federal law). Under this authority, the President can **federalize the Minnesota National Guard or deploy other federal military units to suppress any resistance and ensure the execution of federal law**.

The role of any forces deployed under the Insurrection Act will be **strictly limited and guided by law**. Their mission is to *support civilian authorities* – for example, by providing perimeter security, protecting federal personnel and facilities, and **preventing violence or interference** with the immigration processing center. **Rules of Engagement (ROE)** will emphasize de-escalation and protection of life; troops will not engage in immigration enforcement activities (such as searches, seizures or arrests of immigration violators) except as otherwise authorized by law. The **Posse Comitatus Act** remains in effect, meaning federal military personnel will not perform traditional civilian law enforcement unless expressly authorized. The Insurrection Act provides that express authorization in this extreme case, but **only for the narrow purpose of overcoming unlawful obstruction and violence** that state authorities cannot or will not control. All personnel deployed will remain under a unified federal chain of command, and *civilian control* is maintained at all times (military support will operate under the direction of the President and civilian agency leaders, not impose military rule)[17].

It must be emphasized that invoking the Insurrection Act here is a **measure of last resort and limited duration**. Its use will cease as soon as order is restored and the state is prepared to uphold the law again. The President's determination under 10 U.S.C. § 254 that law and order have been reestablished will terminate the military role. This conditional and disciplined use of military support ensures that the **federal intervention is proportional and temporary**, consistent with both the letter of the law and historical practice. (For context, past presidents have used the Insurrection Act to enforce desegregation and protect civil rights when states defied federal mandates, always with the intent of **upholding the Supremacy of federal law** and then returning control to local authorities once compliance was secured – the same principle guiding its use here.)



**Constitutional Basis – Supremacy Clause and Due Process:** All actions in this proposal rest on a firm constitutional foundation. Article VI, Clause 2 of the U.S. Constitution (the **Supremacy Clause**) dictates that federal laws and lawful orders **override conflicting state actions**. Minnesota's attempts to "exempt" itself from federal immigration enforcement cannot stand against the supreme law of the land. By initiating this federal operation, the President is executing his core constitutional duty to "take Care that the Laws be faithfully executed." Far from undermining federalism, this intervention vindicates the rule of law nationwide: *No state may unilaterally nullify federal law or harbor lawlessness* – a principle as old as the Republic itself. The careful use of federal authority here **upholds our constitutional order** by reinforcing that federal law is paramount and will be enforced even if local governments fail to cooperate.

At the same time, this plan is meticulously crafted to **respect individual rights and due process** at every step. The Fifth Amendment's Due Process Clause will govern all proceedings: no person will be deprived of liberty without the process that is lawfully due. To that end, the operation builds in ample procedural safeguards. For example, rather than conducting sweeps or arrests without notice, the process begins with **administrative subpoenas** lawfully issued to require individuals to appear for status review, thereby providing notice and an opportunity to be heard voluntarily. Only if individuals defy these subpoenas will more coercive measures (like arrest warrants or *in absentia* orders) be pursued, ensuring that **less intrusive means are tried first**. This graduated approach aligns with constitutional jurisprudence on reasonableness; courts consider it a favorable factor when the government shows that it attempted compliance through voluntary and administrative steps before using force. Additionally, all enforcement actions on-site (detentions, searches, etc.) will either be consent-based or under judicial warrant or other lawful authority, preserving Fourth Amendment standards.

Crucially, **immigration judges and asylum officers will be co-located at the federal center** to provide prompt hearings and adjudications for every individual who comes through. This **co-location of adjudicators with enforcement personnel** means due process is not only offered in theory but delivered in practice: each person can present claims (such as asylum or relief eligibility) and receive a legally binding decision by an EOIR immigration judge **before** any final removal action. The presence of counsel will be facilitated to the extent possible (legal orientation programs and access to communication will be provided on-site), and interpreters will be available, ensuring language access. By designing the operation as an **administrative adjudication hub** rather than a pure detention center, the proposal **maximizes fairness while expediting throughput**. The plan's phased approach – starting with notices and check-ins for those likely to be compliant, and escalating only as necessary – further underlines its commitment to due process and civil liberties. In sum, the constitutional balance is maintained: **federal supremacy** justifies the action, and **due process** constraints shape its execution.

## Unified Federal Command Structure and Agency Roles

To implement this emergency action effectively, a **Unified Federal Command Structure** will be established, with FEMA as the lead coordinating agency under Stafford Act authority. This unified command will operate in accordance with the National Incident Management System (NIMS) principles, bringing together all relevant federal agencies under one organizational framework. By design, this ensures **clear lines of authority, efficient decision-making, and integrated operations** across the civilian and security elements of the mission.

**FEMA – Lead Coordinating Agency:** FEMA will function as the **Federal Coordinating Officer** for this operation, in line with its mandate to lead disaster and emergency response under the Stafford Act. FEMA's role is fundamentally one of **coordination and support**: it will manage the overall incident command post, logistics, and resource allocation, and oversee the conversion and use of the state facilities. All site infrastructure – from setting up housing and medical facilities to arranging food services and communications – will be managed by FEMA or at its direction, leveraging FEMA's expertise in field operations. By placing a civilian emergency management agency at the forefront, the operation maintains a civilian character and avoids any perception of a military takeover. FEMA will ensure that the **emergency use of the Fairgrounds and campus is orderly, well-documented, and compliant with applicable laws**, including arranging for reimbursement for the use of state property and handling any contracts or purchases needed to stand up the facility. Additionally, FEMA will coordinate with state emergency management officials **to the extent the state is willing to cooperate** (even if state leadership is hostile, individual agencies or personnel may assist in certain logistical areas). All public communications about the emergency operation's logistical aspects will also funnel through FEMA, reinforcing a message of humanitarian relief and administrative necessity.



**Immigration and Customs Enforcement (ICE) – On Site:** U.S. Immigration and Customs Enforcement will be the primary agency conducting the immigration processing and enforcement actions within the center. ICE personnel (mainly from Enforcement and Removal Operations, with support from Homeland Security Investigations as needed) will staff intake stations, verify identities and statuses, manage custody of individuals in processing, and execute removal orders or detentions where required. Essentially, ICE will run the “front-end” and “back-end” of the immigration process: receiving individuals who appear (voluntarily or via apprehension), and carrying out the logistics of removal for those ordered deported. However, **all of ICE’s actions on site will occur within the unified command framework** – meaning priorities and rules are set by the interagency leadership to ensure consistency and legality. ICE agents will **not operate unilaterally** or outside the emergency center except in coordinated teams, which prevents the kind of fragmented field enforcement that had provoked public unrest previously. Instead, by concentrating their activity at the centralized hub, ICE can achieve high throughput with minimal community disruption. ICE will also liaise closely with EOIR so that cases are promptly docketed for hearings and there is no undue delay between intake and adjudication.

**U.S. Border Patrol** – When non-compliant individuals must be apprehended, **U.S. Border Patrol** leads coordinated **field operations** statewide to execute judicial warrants and take custody of those who failed to self-report. The integrate nature of these enforcement efforts as a force multiplier for both field of office tasks. Many Border Patrol agents have been detailed from other regions to assist in Minnesota, effectively augmenting ICE’s manpower. They work alongside ICE ERO teams to conduct **surveillance and apprehension of fugitives** in the field and to staff transportation details. Rather than patrolling a physical border, in this scenario Border Patrol units operate from the centralized hub as quick reaction teams to **pursue leads and locate individuals** who evaded the initial subpoenas. The **State Fairgrounds Grandstand** serves as the staging base for all such field operations: ICE and Border Patrol agents muster there for daily briefings and assignments, load into vehicles, and upon return, process arrestees in the secure sally-port areas of the Grandstand. This centralized staging ensures tactical coordination – every morning, agents have a unified game plan and every evening their actions are debriefed, improving consistency. By collocating their operations at the site, **federal officers avoid the need for piecemeal raids launched from disparate offices**, instead deploying in a coordinated, intelligence-driven manner. During enforcement surges, this allows a surge in activity while maintaining oversight and minimizing surprises. In all their duties, ICE and Border Patrol remain bound by **constitutional constraints and standard use-of-force policies**. They conduct arrests **only under judicial warrants or clear statutory authority**, and individuals taken into custody are brought promptly into the on-site legal process (within the same facility) for hearing and disposition. This approach replaces chaotic city-wide manhunts with an **orderly, centralized enforcement mechanism** anchored by the Fairgrounds command center.

**EOIR (DOJ) – On-Site Immigration Adjudication:** The Executive Office for Immigration Review will deploy a surge of immigration judges, court staff, and interpreters to the Minnesota facility. These judges will hold **continuous immigration court sessions on site**, utilizing partitioned courtrooms and video teleconferencing as needed to handle a large volume of cases in parallel. The facility’s capacity allows for **hearing rooms to operate simultaneously**, enabling an unprecedented number of cases to be adjudicated each day. The presence of EOIR at the same location as ICE and the individuals in proceedings is a cornerstone of this plan: it ensures that due process is delivered **efficiently and at scale**. For example, an individual who checks in (or is brought in) to the center can have their Notice to Appear issued, legal orientation provided, and case heard by a judge in a matter of days – far faster than the traditional immigration court timeline – because all necessary personnel are co-located. This colocation **eliminates many of the delays caused by transferring detainees to courts or scheduling backlogs**. The aim is to achieve an **administrative and judicial review capacity of up to 8,000 individuals per day**, as projected in the operational planning. Every judge will conduct hearings with full due process (the usual rights to present evidence, testify, and appeal will be intact), but the scheduling and support (interpreters, files, ICE trial attorneys from Office of Chief Counsel, etc.) will be orchestrated to maximize throughput without sacrificing fairness. EOIR’s presence also means **judicial oversight is embedded in the operation**, providing an additional layer of legitimacy and accountability – decisions are made by neutral adjudicators, not by enforcement alone.

**U.S. Marshals Service (DOJ) – Security and Judicial Protection:** The U.S. Marshals Service will be engaged to provide security for the federal judges and the overall facility. Marshals routinely protect courthouses and ensure the safe conduct of judicial proceedings; here, they will similarly ensure that **immigration judges can operate free from intimidation or harm**. Marshals will manage the movement of detainees to and from hearing rooms as needed, and could



oversee any high-risk transports. They may also execute any federal judicial warrants (for contempt or other offenses) that arise during the operation. Importantly, the Marshals Service gives the operation a **professional civilian law enforcement presence** that is experienced in dealing with prisoners, crowd control around court facilities, and interagency coordination. In coordination with DHS's Federal Protective Service (which could guard the perimeter and entry checkpoints), the Marshals will help maintain order within the site. This role is kept **strictly separate from immigration enforcement decisions** – Marshals are not there to round up immigration violators, but to secure the environment and backstop the rule of law within the compound. Their involvement underscores that this is fundamentally a law-enforcement and judicial mission, not a military one, even though National Guard troops will also be on hand for added support.

**Federalized National Guard and DoD Support – Logistics and Perimeter Security:** A select contingent of the Minnesota National Guard will be **called into federal service** (under Title 10 status) to assist in this operation, alongside possible active-duty military support units (for communications, engineering, or transportation). Once federalized under the Insurrection Act authority, the National Guard units will report to the unified federal command and operate under military chain-of-command that ultimately leads to the President. Their **tasks will be limited to support functions**: setting up and running base facilities (tents, generators, medical stations), managing traffic control points, securing the outer perimeter of the fairgrounds/campus, and being on standby to respond to any contingencies such as civil disturbances or attempts to disrupt field operations. The Guard will effectively augment FEMA and law enforcement by providing manpower and specialized capabilities (e.g. engineers to build temporary structures, medics to assist federal medical teams, drivers for transport convoys, etc.).

**Guard personnel may accompany** ICE or Border Patrol agent **in a force protection capacity** or crowd control (e.g. securing outer perimeters), under strict rules of engagement. Overall, the federalized Guard acts as the **security and facilities backbone** of the operation – visible but restrained, ensuring a safe environment in which civilian agencies can do their jobs. This frees up law enforcement agents to focus on their core tasks while **maintaining a clearly civilian-led atmosphere** at the site.

**Federal Bureau of Investigation (FBI) & Internal Revenue Service (IRS)** – While the primary mission is immigration enforcement, federal authorities recognize that in the process of verifying identities and records, they will uncover evidence of ancillary crimes such as **document fraud, financial crimes, human trafficking, and public benefits fraud**. Therefore, specialized investigative teams from the FBI and IRS (among other agencies like DHS Homeland Security Investigations) are co-located on site in a dedicated **“investigative war room.”** Their mandate is to collect and analyze any intelligence on criminal networks that surface during the immigration processing. For example, if multiple individuals point to the same fraudulent document mill or **phony ID scheme**, or if evidence arises of employers systematically evading taxes by paying undocumented workers off the books, these teams will take action. The FBI agents on site focus on **organizing larger conspiracy cases** – e.g. dismantling smuggling rings, prosecuting employers for harboring or exploiting undocumented workers, or investigating any public corruption tied to the lack of enforcement. IRS agents (including Criminal Investigation division) focus on **financial crimes and benefit fraud** – auditing records to identify those who defrauded federal welfare programs or laundered money gained through illegal labor practices. By embedding these units within the command center, the operation can **quickly pursue leads** that go beyond civil immigration violations, thus addressing the broader criminal activity that often accompanies unlawful immigration. The University campus space is ideal for this: former labs and conference rooms are now secure, soundproof areas for agents to compare notes and build cases. The presence of FBI/IRS also reassures the public that any serious crimes uncovered will be **fully prosecuted under the law, not swept under the rug**. On site, these teams have access to the new trove of data being gathered – for instance, each person processed is asked if they have information on crimes like **fraud or misuse of public benefits**, and many do cooperate with tips. Phase 3 of the operation explicitly turns to **“consolidating and exploiting intelligence”** collected from compliant individuals to go after bad actors in the community. The FBI and IRS lead that charge. They coordinate with DOJ prosecutors (some **Assistant U.S. Attorneys are assigned on-site** as well) to issue subpoenas for bank records, initiate covert investigations, or prepare indictments. In sum, the FBI and IRS presence ensures that the **immigration center doubles as a command post for restoring the rule of law** in all dimensions – not just removing unauthorized immigrants, but also holding accountable those who **committed financial, tax, or fraudulent offenses** that enabled the crisis. This interagency approach strengthens governance by attacking the problem from all sides, under one roof.



## Use of State Facilities and Infrastructure for Emergency Federal Operations

Central to this proposal is the **temporary federal use of the Minnesota State Fairgrounds and the University of Minnesota–St. Paul campus** as an integrated emergency processing center. These public facilities offer the scale and infrastructure needed to handle the **mass administrative operation** envisioned, and their conversion to federal use is both legally permissible under emergency authorities and supported by operational precedent.

**Operational Rationale for Site Selection:** The Minnesota State Fairgrounds is a sprawling venue, spanning dozens of buildings, open arenas, and thousands of parking spaces. Adjacent to it, the University's St. Paul campus provides additional dormitories, dining halls, office space, and a layout amenable to conversion. Together, these sites can be transformed into a self-contained "federal field headquarters" for immigration processing. According to our functional capacity analysis, the combined Fairgrounds–Campus complex can accommodate all necessary components of the operation: intake centers, staging areas, courtrooms, housing, and logistics. For example, existing exhibition halls and auditoriums can be partitioned into approximately **120 hearing rooms**, allowing *120 immigration judges or officers to conduct proceedings in parallel*. Campus buildings can be repurposed into office space for an estimated **2,000 support staff and case officers** (handling paperwork, interviews, and coordination). The fairgrounds' extensive open areas and parking lots provide staging capacity for **hundreds of vehicles**; in fact, roughly **100 buses or shuttles can be queued simultaneously for ground transportation of deportees or personnel**, and there is space for hundreds more vehicles or even rail transport if needed. The fairgrounds also include large barns and halls that can serve as **temporary dormitory barracks**, with space for on the order of **5,000 bunks** to house support personnel or temporarily hold individuals in custody in humane conditions. On the campus side, existing dormitories provide on-site housing for several hundred federal staff, and cafeterias can be leveraged to serve tens of thousands of meals per day to support this surge operation. In short, these public facilities have the raw capacity to sustain a **high-throughput, continuous operation** — something no traditional ICE facility or courthouse could handle. By using a centralized location, the government can process cases at a volume and speed previously impossible, estimated at **up to 8,000+ individuals per day** through the combined intake, processing, and adjudication pipeline.

This approach not only increases efficiency but also improves **transparency and management**. All relevant activity is concentrated in one monitored environment: people receive notices to appear at a known, controlled location rather than enforcement happening ad hoc in the community. This reduces both the risk of violent confrontations in residential areas and the strain on ICE field offices and local jails. Moreover, the public and oversight entities can observe operations at the site, ensuring accountability. The choice of a fairgrounds (traditionally a public gathering place) symbolically underscores that this is *not a secretive roundup*, but an open and orderly process being carried out with professionalism.

**Legal Justification for Converting Public Infrastructure:** Normally, use of state property by the federal government requires consent or legal process (such as leasing or federal condemnation with compensation). In an emergency, however, the President and federal agencies have expanded powers to **seize or utilize property necessary to save lives or stabilize the situation**, subject to later compensation. As noted, the Stafford Act explicitly authorizes the President to **utilize private and public land and assets** for emergency response purposes. We intend to invoke this authority to take control of the Fairgrounds and campus for the duration of the emergency. This would be executed by issuing formal **Emergency Use Directives** to the relevant state entities (e.g. the Minnesota State Agricultural Society for the Fairgrounds and the University's Board of Regents for the campus), citing the Stafford Act and National Emergencies Act as authority. Federal acquisition (temporary) of these facilities will be documented via agreements or orders that outline the scope of use, the time limit, and the commitment to pay rent or compensation. This ensures compliance with the **Fifth Amendment's Takings Clause** – the government will pay "just compensation" for any property interests taken for public use, although in many cases the state may waive rental fees as part of cooperative efforts. In effect, the arrangement may resemble a short-term federal lease or occupation for public benefit, which is well-precedented in disaster scenarios (for example, after major hurricanes, the federal government has used local convention centers, sports stadiums, and fairgrounds as operational hubs, either by agreement or emergency authority, with reimbursement to the owners).

**Supremacy Clause considerations:** Should Minnesota's state authorities object to this use of their facilities, the **Supremacy Clause provides that federal emergency orders lawfully made override such objections**. The state cannot legally impede federal officials from carrying out a presidential emergency directive, especially in service of enforcing federal law. The Justice Department would be prepared to defend in court the position that the emergency use of these



facilities is within federal power and necessary to vindicate federal law. Given that state officials' obstruction necessitated this action in the first place, their consent, while preferable, is not required. Federal marshals or other security would secure the premises, and state personnel would be instructed to step aside under color of federal authority. Any interference by state or local actors could itself be unlawful under 18 U.S.C. § 372 (conspiracy to impede federal officers) or related statutes. That said, **our aim is to coordinate with state officials where possible** to ensure an orderly transition of the facilities to federal control, minimizing conflict and confusion.

**Temporary and Restorative Nature of Use:** We stress unequivocally that the federal occupation of the Fairgrounds and campus is **temporary**. The documentation authorizing use will specify an end date or condition (e.g. "for 6 months or until the emergency is resolved, whichever is sooner," subject to extension only if absolutely necessary). As part of the operational wind-down, FEMA will oversee a full restoration of the properties. Facilities will be returned in equal or better condition: any alterations (such as partitions built or equipment installed) will be removed unless the owners wish to keep improvements; any damage will be repaired; and normal activities (such as the annual Minnesota State Fair and university functions) will be able to resume. This commitment addresses any **concerns over permanent federal control**. The objective is **full restoration of the original civilian use** of each facility once the mission concludes. The federal government's presence leaves only an administrative footprint – records of what was done – rather than a physical one. By law, once the Stafford Act emergency is lifted, FEMA's authority to commandeer the facilities will cease, and any continued presence would require new legal justification (which we do not anticipate). This built-in sunset provision underscores the proportionality of the proposal. We are not seeking to federalize Minnesota's infrastructure permanently, but to borrow it for an urgent public purpose and then give it back intact.

**Co-Located Adjudication to Ensure Due Process and Efficiency:** A key advantage of using the Fairgrounds/Campus complex is that it enables **co-location of all functions** – enforcement, detention, and adjudication – in one site. This dramatically streamlines the immigration proceedings while bolstering due process. In traditional operations, ICE might arrest individuals and hold them in county jails scattered around, and immigration court hearings might be scheduled weeks or months later at separate facilities (or via video). That disjointed process contributes to lengthy backlogs and often **compromises due process** (detainees far from counsel, courts overloaded, etc.). Here, by contrast, the **immigration judges are on-site alongside ICE officers**, and cases can move from intake to hearing to completion in a matter of days. For example, an individual who receives an administrative subpoena to appear can arrive at the Fairgrounds, check in with ICE, have fingerprints and records checked, consult with available counsel or legal aid, and see a judge perhaps **the very same day or within 24–48 hours**. If the judge finds the person has lawful status or relief, they are released promptly; if a removal order is issued, ICE can immediately prepare travel documents and transportation, with the individual housed at the facility only for the short interim. This conveyor-belt style **administrative justice** maintains fairness by giving each person a hearing, but eliminates the idle waiting time that currently stretches out the process. The facility's design capacity of *8,000+ cases per day* is only achievable because of this tight integration of adjudication and enforcement functions. Essentially, we are creating a specialized **immigration court and processing district** that operates at high speed.

To ensure due process is genuinely protected in such a high-throughput environment, multiple safeguards will be in place: **(1)** Individuals will be notified of their right to counsel and given access to attorneys or accredited representatives – we will have attorney meeting areas and even remote meeting technology so counsel can participate. Those who desire counsel may be granted a short continuance to secure representation, though given the expedited timeframe, we are also arranging for duty counsel or public interest lawyers to be on site. **(2)** Interpretation services in all common languages (Spanish, Somali, Hmong, etc.) will be readily available for every hearing, so language barriers do not impede understanding. **(3)** Each immigration judge's docket will be managed to allow meaningful time for each case (the volume comes from having many judges, not from skimping on hearing time for each case). **(4)** Any case that cannot be properly resolved on a first hearing (e.g. complex asylum claim or other defense) can be continued, and the individual may be issued conditions of supervision or held in a less restrictive environment on site while additional evidence is gathered – the process will not sacrifice thoroughness for speed. **(5)** There will be an **on-site presence of the ICE Office of the Principal Legal Advisor (OPLA)** to represent the government in proceedings, ensuring that each case is argued properly and that prosecutorial discretion can be exercised where appropriate (for instance, administrative closure or deferral in compelling situations). **(6)** Finally, a mechanism for **appeal or review** will be available. While the immigration courts' appeals (Board of Immigration Appeals) typically take months, we plan to surge BIA resources or use **streamlined**



review for clear-cut cases, so that any appeal can be resolved quickly as well. Alternatively, certain classes of cases might be routed directly into **federal district court** if habeas or constitutional issues arise, with the U.S. Attorney's Office in Minnesota on standby to handle such matters. All of these measures ensure that while the operation seeks to maximize throughput, it *simultaneously maximizes legality and fairness*. The result should be not only efficient enforcement, but **credible enforcement** – able to withstand legal scrutiny and public criticism because due process was afforded in each and every case.

## Proportionality, Temporariness, and Precedent

Invoking these powerful federal authorities and undertaking such a large operation is not done lightly. We recognize the gravity of deploying federal emergency powers on domestic soil. Therefore, we have designed this proposal to be **proportional to the extraordinary situation at hand, limited in duration and scope, and grounded firmly in both legal precedent and necessity.**

**Proportional Response Tailored to the Threat:** The federal intervention is calibrated to address specific failures in Minnesota that pose a national concern – it is **no broader than required**. We are not seeking to govern Minnesota wholesale or displace its lawful authorities beyond what is needed to restore compliance with federal law. The use of the Insurrection Act, for example, is narrowly aimed at suppressing violent resistance and enabling federal law enforcement to do its work, *not* to impose general military rule. The Stafford Act emergency is focused on establishing an administrative capacity to process cases, *not* to manage unrelated state affairs. We have **eschewed more draconian measures** (such as any suspension of habeas corpus or any curfews or general martial law edicts) because the situation does not warrant them. Instead, each tool invoked maps to a **clearly defined problem**: lack of local enforcement -> Insurrection Act to deploy federal security; overwhelmed processing capacity -> Stafford Act/FEMA to stand up facilities; state obstruction -> Supremacy Clause/NEA to override and mobilize federal resources. In legal filings and public statements, the administration will be able to demonstrate that it pursued a strategy of "**measured escalation**." Over the past years, lesser interventions were attempted – outreach, negotiation, offers of assistance, subpoenas for information, and other conventional enforcement efforts – and these were documented as being thwarted or ineffective. Only **after documenting a pattern of obstruction and resultant chaos** did the federal government escalate to this robust plan. This fact will be critical in defending the necessity of our actions in court and before Congress. We can clearly show that **federal action is a last resort** undertaken when all other options failed, which is the hallmark of a proportional response in our constitutional system.

Moreover, within the operation, proportionality is observed in the graduated use of force and coercion: initial phases rely on voluntary compliance (even offering incentives and financial rewards for self-reporting), and only later phases involve mandatory enforcement and removals. By the time more coercive actions occur, the majority of cooperative cases will have been resolved, leaving a smaller, more focused group for enforcement – again demonstrating restraint and targeting rather than broad-brush enforcement. The rules of engagement for all personnel emphasize respect for civilians and minimal force. For instance, crowd control will prefer containment and communication over riot tactics. Arrests of non-compliant individuals will be done pursuant to warrants and with U.S. Marshals or ICE officers leading, *not* with bayonets fixed by troops. This careful operational planning aligns with the principle that **the means used should not be excessive in relation to the particular objectives.**

**Temporary Duration and Exit Strategy:** This proposal includes a built-in exit strategy to **terminate the federal presence as soon as its objectives are achieved**. The Insurrection Act deployment is intended to be **short-lived** – perhaps a matter of weeks to a couple of months at most, just to ensure initial stability. Once the environment is secure and orderly processing is in full swing, military support can draw down (Phase 1 of the plan is security-heavy; by Phase 2 and 3, the role of the Guard is much reduced, shifting toward FEMA-led management). If isolated disturbances recur, federal law enforcement (ICE, Marshals, DHS agents) can handle them with targeted support; large troop presence should not be needed beyond the initial phase.

The emergency processing center itself (FEMA operation) is likewise **intended to be temporary**. We project an operational window of **approximately four months (120 days)** of intensive processing to clear the bulk of the targeted case load. This timeframe was chosen based on the estimated number of deportable or non-compliant individuals in Minnesota (up to 500,000) and the daily throughput capacity of the center. If the operation meets its goals sooner, it will



be ramped down sooner. If additional time is needed (due to unforeseen delays or expanded scope), any extension will be decided at the highest levels and communicated with justification; it will not simply drift on. Under the National Emergencies Act, the President will have to **formally renew** the emergency after one year or it will automatically lapse, providing a hard check against open-ended action. We fully expect that **the emergency will not need to be renewed** – the situation in Minnesota should be normalized well before that, with the state hopefully rejoining cooperative enforcement efforts once the immediate crisis has been dealt with and the deterrent effect of the operation sets in.

Additionally, the **Minnesota State Fairgrounds must revert to state use** in time for its traditional functions (notably the annual State Fair). Canceling or postponing major public events like the State Fair is a significant impact, and we use it as leverage and a public messaging point (explaining to Minnesotans that this disruption is the consequence of their officials' non-compliance), but it is not something we aim to extend longer than necessary. Indeed, highlighting the fair's cancellation is a way to pressure local leaders to resolve matters quickly so that normal life can resume. In sum, all parties understand that **the federal footprint will be erased as soon as it is responsible to do so**. The measures are **conditional and reversible**: if Minnesota's governance realigns with federal law enforcement cooperation, the extraordinary federal measures will cease. Our proposal thus contains the seeds of its own dissolution – it is successful if it makes itself no longer needed.

**Grounded in Legal and Historical Precedent:** While the scale of this operation is unique, each element of it is grounded in established precedent or practice:

- *Use of federal troops to enforce the law domestically:* There are historical precedents such as President Eisenhower sending the 101st Airborne to Little Rock in 1957 to enforce school integration, and President Kennedy federalizing the Alabama National Guard in 1963 to enforce civil rights – both clear uses of Insurrection Act authority to uphold federal law against state resistance. Those cases underscore the President's power (and duty) to step in when states defy federal mandates. Our scenario is analogous in principle: a state's systemic defiance of immigration law and court orders justifies a federal forceful response to uphold the law.
- *Emergency use of local facilities:* Time and again, large public venues have been used in disasters or emergencies. The Superdome in New Orleans became a federal shelter after Hurricane Katrina; convention centers were converted to field hospitals during the COVID-19 pandemic; fairgrounds across several states have been used to house wildfire evacuees or National Guard staging areas. In Minnesota itself, the National Guard's armories and even stadiums were used for emergency housing during certain 2020 riot responses (in cooperation with FEMA and state authorities). What we propose – converting a fairgrounds/campus to a processing center – is an extension of these practices, tailored to an immigration enforcement context. It's unprecedented in purpose, but not in kind. **FEMA has the institutional knowledge to manage large base camps and disaster facilities**, which we will leverage.
- *Mass immigration enforcement actions:* While the U.S. has not before undertaken an immigration operation quite like this, there have been limited precedents of mass processing – for example, the 1980 Mariel boatlift saw the federal government set up processing centers for tens of thousands of Cuban asylum seekers (using military bases in that case). More recently, surges at the southern border have prompted the use of temporary "soft-sided" facilities and rapid court dockets (e.g., "Operation Streamline" in border districts and tent courts for the Migrant Protection Protocols). Those examples show that with political will, the government can surge processing capacity and even hold accelerated hearings consistent with due process. Our plan essentially combines the **command-and-control approach of a disaster response** with the **legal thoroughness of the immigration court system**, to create a new model. It is innovative but builds on these strands of precedent.
- *Use of the National Emergencies Act:* Declaring a national emergency for immigration enforcement is not new. As referenced, President Trump declared a national emergency in 2019 to address the border wall funding issue, invoking various statutes (and while parts of that effort were litigated, the concept of using NEA for immigration control was not struck down in itself). Additionally, presidents have used emergency powers to freeze assets, mobilize the Coast Guard during refugee crises, and other immigration-related emergencies (such as suspension of entry of certain groups). Thus, employing NEA powers to redirect resources to Minnesota's crisis is well within the President's discretion and supported by past practice.



In terms of *legal scrutiny*, we anticipate challenges in courts. We are prepared to show that **each invoked authority is used as intended by Congress** and is backed by a solid factual record of necessity. As one analysis noted, these measures in Minnesota are “squarely rooted in the letter of federal law and precedent” – a direct and lawful response to an extreme breakdown at the state level, exactly the kind of scenario emergency laws are meant to address. We will point to the careful layering of authority (immigration law, plus subpoena power, plus Insurrection Act, plus Stafford Act) as evidence that we are not exceeding any one statute’s limit but rather combining them appropriately. The Supreme Court traditionally gives the political branches leeway in matters of national security, immigration, and emergency management, so long as constitutional rights are respected. Here, the rights of individuals are in fact enhanced by our approach (due process via prompt hearings, etc.), making our case even stronger. We also expect support from prior executive branch legal opinions and perhaps even Congress, which may view this as a preferable alternative to ongoing lawlessness or, conversely, to the prospect of states negating federal law at will.

**Public and Interagency Accountability:** Finally, proportionality and justification are reinforced by our commitment to transparency and oversight. We will keep Congress informed throughout (fulfilling reporting requirements and inviting bipartisan delegations to observe the operation). We will work closely with Inspectors General of DHS and DOJ to allow them access to monitor for any abuse or mismanagement. The press will be given controlled access to parts of the processing center to see conditions and report on the process, which acts as a powerful check on any temptation to overreach. All use of force incidents or complaints will be documented and reviewed. These mechanisms ensure that if any element of the operation begins to exceed its necessity or lawfulness, it can be corrected in real time. In essence, we are **policing ourselves** to maintain the legitimacy of this effort.

By emphasizing the above points, we communicate that this proposal is neither a reckless use of federal might nor a step toward permanent federal control in Minnesota. It is a **specific remedy to a specific crisis**, bounded by law, precedent, and practical endpoints. The proportional and temporary nature of the plan, combined with its firm legal grounding, will help rally support among stakeholders and insulate the President and agencies from accusations of overstepping authority.

## Conclusion and Recommendation

The situation in Minnesota demands an extraordinary but lawful federal response. This proposal has articulated the legal justification and operational plan for that response: **Invoking the Stafford Act (and related emergency powers) to establish a unified federal command, with FEMA at the lead, to convert the State Fairgrounds and University campus into a high-capacity immigration processing center; supported by the National Emergencies Act to mobilize resources; and protected by the Insurrection Act authority to ensure security through federal forces if needed.** This course of action is firmly grounded in constitutional principles (the Supremacy of federal law and the guarantee of Due Process), in statutory authority granted by Congress, and in lessons learned from prior emergency and enforcement efforts. It is a forward-looking strategy that treats the challenge not as a political dispute, but as a matter of operational necessity and legal obligation.

By moving decisively yet carefully along the lines described, the President and the federal government will **reassert control over immigration enforcement in Minnesota in a manner that is effective, lawful, and just**. The unified command structure will prevent confusion and turf battles, FEMA’s leadership will keep the effort humanitarian in character, and the integration of adjudication will maintain the integrity of individual rights. At the same time, the robust stance (backed by federal troops and clear legal authority) will deter further defiance and send an unambiguous message that the **rule of law will be restored**. Indeed, as one analysis observed, this combination of actions – though grave – ultimately **vindicates the rule of law, rather than undermining it, by ensuring no state can become a refuge for lawlessness under the guise of official policy**.

It is the **recommendation of this proposal** that the President convene the National Security Council and Homeland Security Council principals to approve the initiation of this plan. Upon approval, the following immediate steps should be taken:

1. **Drafting and issuance of the Emergency Declarations:** The White House, with counsel from the DOJ Office of Legal Counsel, should prepare the Proclamation of National Emergency (under NEA) and the Stafford Act Emergency Declaration for Minnesota, explicitly referencing the circumstances (threat to public safety and law



enforcement) and the statutory authorities to be employed. Concurrently, a brief notification to Congressional leadership as required by law should be readied.

2. **Activation of FEMA Coordination:** FEMA should be instructed to activate an Interagency Coordination Group and deploy an initial Incident Management Team to Minnesota to begin logistical preparations at the Fairgrounds and campus. This includes negotiating access or issuing emergency use orders for the facilities, staging initial resources, and coordinating with any willing state emergency officials.
3. **Orders for National Guard Federalization:** The Department of Defense, through the Secretary of Defense, should prepare orders to federalize the necessary National Guard units (likely military police, engineering, and support units from Minnesota's Guard) under Title 10 status. Simultaneously, DOD can identify any Title 10 active-duty support (communications, medical, etc.) to deploy. Rules of engagement and use-of-force policies will be reviewed and approved by the Attorney General and Secretary of Defense to ensure compliance with law.
4. **Operational Plan Execution:** DHS (through ICE and CBP if needed) and DOJ (through EOIR and the Marshals Service) will commence Phase 1 of the operation as outlined – issuing administrative subpoenas/notices to the target population and opening the doors of the processing center for voluntary check-ins on the specified date. Public affairs plans will launch to shape the narrative (emphasizing the lawful, fair, and necessary nature of the action). All agencies will follow the phased timeline and benchmarks described in the Strategic Plan.

This proposal provides the *legal confidence* and *operational clarity* to proceed. It is a cohesive strategy that aligns enforcement with emergency management to solve a deeply entrenched problem. By approving and implementing it, the President will not only resolve the Minnesota crisis but also set a precedent for upholding federal law in any jurisdiction that might otherwise seek to systematically undermine it. The approach is bold yet justified – **an embodiment of federal authority acting judiciously to restore lawful governance.**

We urge the leadership of DHS, DOJ, DOD, and all involved agencies to support this initiative and present a united front. With unity of purpose and adherence to the legal framework detailed herein, the federal government will succeed in its mandate to **ensure that the laws are faithfully executed**. Minnesota will return to normalcy under the rule of law, and the nation will have affirmed, through this action, that our constitutional system contains within it the means to address even the most challenging internal disputes in a manner that preserves both **security and liberty**.

