



This general educational material
does not constitute legal advice or
encouragement to take action.
Contact a local federal attorney for
additional questions.

Federal Assault by Sandwich, Whistle, and Protest:

An Explainer on
18 U.S.C. § 111(a)(1),
the Government's
Offense of Choice

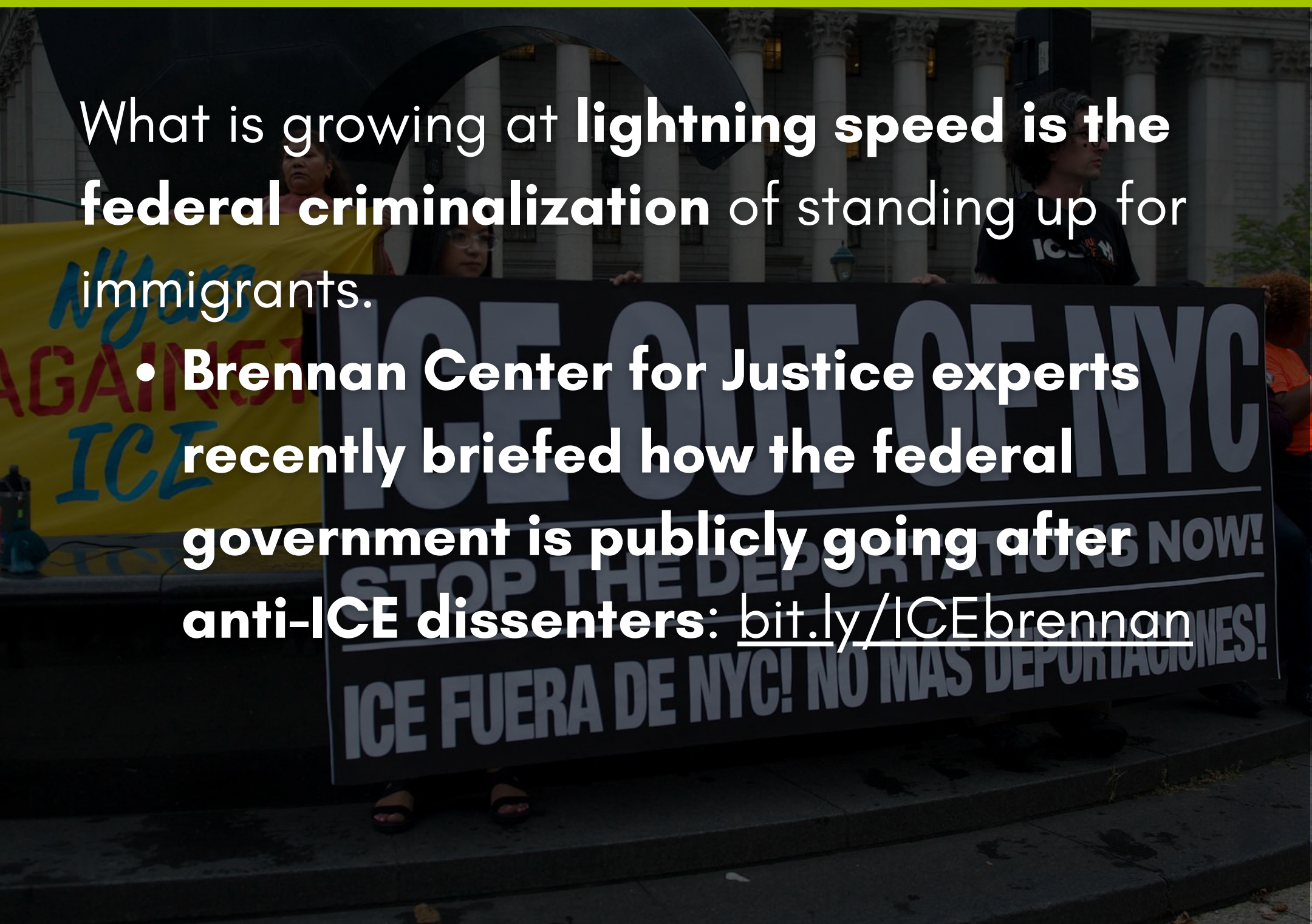


The Trump regime has unleashed the full force of **ICE**, **CBP**, and **DHS** for its mass deportation agenda.

Mistreatment of immigrants is not new: the Obama administrations conducted more removals than Trump so far.

What is growing at **lightning speed** is the **federal criminalization** of standing up for immigrants.

- **Brennan Center for Justice experts recently briefed how the federal government is publicly going after anti-ICE dissenters:** [bit.ly/ICEbrennan](https://www.brennancenter.org/ice-out-nyc)



Federal prosecutors across the country have brought **charges against scores of protesters under 18 U.S.C. § 111(a)(1), “federal assault”**

- **By 11/18/25, The Atlantic documented at least 100 charges nationwide: bit.ly/atlantic11**

- **By 12/1/25, L.A. Times found 163, only looking at federal districts clearly targeted by Trump: lat.ms/4rXfQg5**

Understanding this law can help assess risks as you take action in support of immigrants!

18 U.S.C. § 111(a)(1): Assaulting,
resisting, or impeding certain
officers or employees

Historically, this statute has been used
against people who assault federal
workers, especially federal prison guards.

Federal prosecutors used it against multiple
**January 2021 right-wingers who stormed
the Capitol.**



**Now, CBP and ICE agents are
claiming assaults everywhere
they go.**

Examples of 18 U.S.C. § 111(a)(1)

D.C. Sandwichgate:

In 8/25, a man tossed a sandwich that landed on a CBP agent. A federal grand jury refused to indict him on a felony under this statute. **The prosecutors charged him with a misdemeanor under this statute and took it to trial.** After trial, a jury found him **not guilty** in 11/25.

Chicago Woman Rammed and Shot:

In 10/25, a woman was documenting CBP agents after they finished a removal operation. After she allegedly followed the agents' car in her car, the agents rammed their vehicle into hers, cursed at her, and shot at her. **Despite video contradicting CBP's story, federal prosecutors obtained an indictment against her for a felony under this statute.** They **dismissed** the case in 11/25.

How does the “federal assault” crime work?

To **convict** under subsection (a)(1),
the government must show
beyond a reasonable doubt that an individual:

- **(1)** Forcibly assaults, resists, opposes,
impedes, intimidates, **OR** interferes
WITH
- **(2)** A federal agent
WHILE
- **(3)** They are engaged in, **OR** on account
of, the performance of official duties.

If only simple assault:
Federal misdemeanor.

If physical contact or intent to commit another felony:
Federal felony.

Note: This does not cover subsection (a)(2) offenses against former agents,
(b) use of a dangerous weapon, or (c) extraterritorial jurisdiction.

General risk assessment:

18 U.S.C. § 111(a)(1)

Proximity to federal agents is a huge factor:

- The closer people have been to ICE and CBP, the more likely that they got arrested and then charged.
- **Lawfully documenting police is protected**, but there are limitations if the documentation actually interferes with policing (or they claim it does).
- **Remain aware:** The agents might curtail your safe distance by getting closer and starting a confrontation.

***Important:** Certain activities can carry greater risk of conviction, but under this current administration, many immigrant advocacy actions will always risk harassment, arrest, and/or indictment, even if securing a conviction is less likely.*

General risk assessment: 18 U.S.C. § 111(a)(1)

Statute is very broad:

- Although the law is referred to as “federal assault,” **resistance and interference can also fall under it.**
- If possible, **NOT engaging** with the federal agents might reduce risks.
- **Remember:** The statute requires that the agent be performing their job or that the conduct occurred due to the job duties.

Important: *Certain activities can carry greater risk of conviction, but under this current administration, many immigrant advocacy actions will always risk harassment, arrest, and/or indictment, even if securing a conviction is less likely.*

General risk assessment:

18 U.S.C. § 111(a)(1)

You have the right to document, speak, associate, gather, and dissent!

- The goal of these prosecutions is to silence society's outrage and opposition to immigration agents.
- The courts are slow, and cops are violent, but **free speech must be asserted to remain protected.**
- Excessive **advance compliance to federal repression can hurt all of us**, because compliers make completely normal and lawful protests look scary and risky.

***Important:** Certain activities can carry greater risk of conviction, but under this current administration, many immigrant advocacy actions will always risk harassment, arrest, and/or indictment, even if securing a conviction is less likely.*

General risk assessment: 18 U.S.C. § 111(a)(1)

Know your risks when interacting with law enforcement:

- **They are all cops:** Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), Transportation Security Administration (TSA)...
- Even though immigration agents are “supposed to” only enforce certain laws, **people are getting criminalized** in the massive webs of removals.
- Behave accordingly! **Ask for a warrant. Do not talk more than necessary. Record.**

Important: *Certain activities can carry greater risk of conviction, but under this current administration, many immigrant advocacy actions will always risk harassment, arrest, and/or indictment, even if securing a conviction is less likely.*

Specific Risks: 18 U.S.C. § 111(a)(1)

Protesting ICE and CBP in Public Area

- In a **public forum, individuals should have the most protections to lawfully express their speech.**
- The risks of this federal offense should be lowest in this setting, but there might be other anti-protest offenses that other cops can come up with to criminalize.
- **Risks will heighten as federal agents get closer or create confrontations.**
- Biggest legal risk: physical contact with federal agents.

Specific Risks: 18 U.S.C. § 111(a)(1)

Protesting ICE and CBP on Federal Property

- On federal property, **regulations and other laws can limit the type of speech** that people can engage with.
- Certain areas of federal property could still be public forums under the law, but **be aware that the risks are higher when protesting there.**
- If there are **signs** prohibiting certain conduct, or an agent makes an **order** to stop conduct, the **risks heighten** significantly.
- Biggest legal risk: physical contact with federal agents and/or federal property.

Specific Risks: 18 U.S.C. § 111(a)(1)

Documenting DHS agents

- People have the First Amendment right to document DHS while they perform removals.
- There is a **pattern of CBP and ICE agents retaliating against people recording them**, so risks can be high, especially if the agents are aggressive.

- **BUT: Recording DHS agents can also lower risks altogether!**

- There are dozens of examples where video and audio beat cases, because they contradict the DHS agents' version.
- Cops behave differently when they are watched!
- DHS agents often won't have bodyworn cameras, so recording could be the only documentation of what actually happened.

- Biggest legal risk: physical contact with federal agents.

Specific Risks: 18 U.S.C. § 111(a)(1)

Getting Loud During Arrest

- **It is lawful to make noise** and express outrage at law enforcement's conduct, as long as it doesn't actually interfere with policing.
 - **Proximity will be key** to how risky the noise-making is.
- **Be careful about noise that can be seen as impeding immigration enforcement:** Keep the noise status-agnostic to reduce risks!
 - For more information, see: **bit.ly/kyrharboring**
- Biggest legal risk: physical contact with federal agents and/or federal property.



Specific Risks: 18 U.S.C. § 111(a)(1)

Being Close to Federal Vehicle

- As with proximity to DHS agents, **getting too close to their vehicles exponentially increases risks**, even when not doing anything at all nearby.
- It should be **low risk to document and record the vehicles**, as long as from a safe distance.
- It is extremely risky to drive too closely to federal vehicles.
- Biggest legal risk: physical contact with federal property.

For more resources on navigating interactions with police, go to: **nlg.org/kyr**

Understanding your risks can help you make informed decisions.

Additional resources:

- NLG KYR for protesters:
 - bit.ly/kyrprotester
- Int'l Center for Not-for-Profit Law's explainer of new DHS regulations on federal property:
 - bit.ly/ICNLDHS
- National Immigration Project Resources:
 - bit.ly/nipresources



NATIONAL LAWYERS GUILD

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