



U.S. Department of Justice  
Civil Division

Office of the Assistant Attorney General

Washington, DC 20044

July 10, 2026

**VIA EMAIL**

Mayor Cavalier Johnson  
Mayor of Milwaukee  
200 E. Wells Street, Room 201,  
Milwaukee, WI 53202

City Attorney Evan Goyke  
City Attorney of Milwaukee  
841 N. Broadway Room 716,  
Milwaukee, WI 53202

Dear Mayor Johnson and City Attorney Goyke:

We write to seek assurances that neither your offices, the Milwaukee Police Department, nor any other entity in Milwaukee plans to enforce Milwaukee Code of Ordinances § 105-140 (“Mask Ban” or “Ordinance”) against federal law enforcement officers. The ordinance purports to ban the use of masks and require federal officers to identify themselves in the performance of their official duties subject to narrow and vague exceptions. The enforcement of such a law would be unconstitutional under the Supremacy Clause. *See McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 436 (1819). The United States Department of Justice has sought injunctions against numerous substantively identical laws across the country and so far has prevailed in each. *See United States v. California*, 173 F.4th 1060, 1067 (9th Cir. 2026) (unanimous panel granting injunction pending appeal of similar identification requirement); *United States v. Commonwealth of Virginia*, No. 3:26-CV-545, 2026 WL 1909995, at \*9 (E.D. Va. July 2, 2026) (preliminarily enjoining similar law); *United States v. City of Philadelphia*, No. 2:26-CV-4208, 2026 WL 1906075, at \*9 (E.D. Pa. July 2, 2026) (same). Moreover, the Mask Ban threatens the safety of federal officers and their lawful operations. Such a law cannot stand.

As you know, the Supremacy Clause of the United States Constitution mandates that “[t]his Constitution, and the Laws of the United States . . . shall be the supreme Law of the Land . . . any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” U.S. Const. art. VI, cl. 2. The Supremacy Clause incorporates principles of intergovernmental immunity; accordingly, a state or local enactment is invalid if it “regulat[es] the United States directly or discriminat[es] against the Federal Government or those with whom it deals.” *United States v. Washington*, 596 U.S. 832, 838 (2022) (citation omitted). The Constitution separately grants the Federal Government broad and preeminent authority over immigration and enforcement of federal law. *See Arizona v. United States*, 567 U.S. 387, 394–95 (2012). The Constitution further vests supervision of executive officers such as federal law enforcement in the President. *See Seila Law LLC v. CFPB*, 591 U.S. 197, 203–04 (2020); *Tennessee v. Davis*,

100 U.S. 257, 263 (1879). And federal law grants various Executive officials responsibility and control over the conduct and uniforms of federal officials under their purview. *See, e.g.*, 5 U.S.C. § 301; 28 U.S.C. § 509; 8 U.S.C. § 1103(a)(2); 5 U.S.C. § 5901. The Ninth Circuit summarized the law well: “if a state law directly regulates the conduct of the United States, it is void irrespective of whether the regulated activities are essential to federal functions or operations, and irrespective of the degree to which the state law interferes with federal functions or operations.” *California*, 173 F.4th at 1067. That is the end of the matter.

Unfortunately, some states and localities have seemingly forgotten this bedrock principle of American law, passing so-called “sanctuary policies” to impede federal immigration enforcement and going so far as to even directly regulate federal law enforcement in the performance of their official duties. That is precisely what Milwaukee has done with its Mask Ban. On its face, the Ordinance regulates “any employee or agent of the United States government who has authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal, customs, or immigration laws of the United States.” § 105-140(3). For such federal officers, the Ordinance prohibits “face covering while interacting with the public in the performance of the officer’s duties.” § 105-140(4). Similarly, the Ordinance requires “all law enforcement officers” to “[d]isplay on their uniforms the name or widely recognized initials of the officer’s agency and the officer’s last name, badge number, or identification number” and “[u]pon request, verbally provide their agency affiliation and last name, badge number, or identification number.” § 105-140(5). The law has narrow and vague exceptions for weather, “undercover operation[s],” and SWAT actions. § 105-140(6). The “PENALTY” for “willfully or knowingly violat[ing]” the Ordinance is a \$5,000 to \$10,000 “forfeiture.” § 105-140(7).

This Mask Ban endangers federal officers and undermines federal law enforcement operations. The consequences are severe. Protecting the personal identities of federal officers and their families is especially critical in part due to the increasingly common threats of targeted harassment, tracking, interference, and assaults on federal agents for simply doing their jobs.<sup>1</sup> Some doxxing and harassment incidents have resulted in federal charges.<sup>2</sup> The modification of uniforms to prevent identification also prevents suspects from identifying officers and taking preemptive actions to evade apprehension or obstruct enforcement efforts. Having targets of law enforcement maintain online databases of individual officers’ identities can also undermine undercover operations and plain clothes missions. While uniform modifications are not a panacea, these tactics can be essential to mitigating the aforementioned growing safety

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<sup>1</sup> Press Release, ICE Officers Face an 8,000% Increase in Death Threats Against Them and Their Families (Jan. 26, 2026), <https://www.dhs.gov/news/2026/01/26/ice-officers-face-8000-increase-death-threats-against-them-and-their-families>; Press Release, Bounties Originating From Mexico Offered to Shoot ICE and CBP Officers in Chicago (Oct. 14, 2025), <https://www.dhs.gov/news/2025/10/14/bounties-originating-mexico-offered-shoot-ice-and-cbp-officers-chicago>.

<sup>2</sup> *See* ICE, California man accused of doxxing ICE employee now in custody (Sep. 26, 2025), <https://perma.cc/F9YE-EU73>; Associated Press, *Federal prosecutors charge 3 activists with ‘doxing’ of ICE agent in Los Angeles*, PBS (Sep. 29, 2025 14:15 ET), <https://perma.cc/55RN-PP5H>.

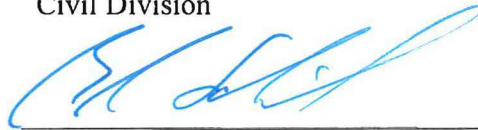
risks and ensure successful enforcement of federal laws. As a result, federal law enforcement has serious concerns with this law and will not comply. This potentially exposes federal officers to enforcement against them in the performance of their federal duties, chilling their ability to perform those duties. And it raises the specter of a confrontation between local and federal law enforcement.

Despite all of this, local officials have recently pressed the Milwaukee Police Department to actively investigate and pursue federal officers for violations.<sup>3</sup> This includes Mayor Johnson, who has deplorably compared our brave federal officers enforcing federal law to the “Gestapo.”<sup>4</sup> To be clear, federal officers will not comply with Milwaukee’s unconstitutional ordinances and will continue to wear masks and not use individual identifiers in their discretion.<sup>5</sup> The United States Department of Justice thus seeks your assurances that this unconstitutional Ordinance will not be enforced against federal officers by no later than July 17, 2026.

Sincerely yours,



Brett A. Shumate  
Assistant Attorney General  
Civil Division



Brad D. Schimel  
First Assistant United States Attorney for the  
Eastern District of Wisconsin

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<sup>3</sup> David Clarey, *Milwaukee council members request police investigate masked ICE agents*, *Milwaukee Journal Sentinel* (July 7, 2026), <https://www.jsonline.com/story/news/crime/2026/07/07/milwaukee-council-members-request-police-investigate-masked-ice-agents/90841445007/>.

<sup>4</sup> Evan Casey, *Milwaukee leaders denounce recent ICE ‘targeted enforcement’ and arrests*, Wisc. Public Radio (July 1, 2026), <https://www.wpr.org/news/milwaukee-leaders-denounce-recent-ice-targeted-enforcement-and-arrests>; Jason Calvi, *Milwaukee ICE enforcement, city accuses feds of violating ordinance*, FOX6 News Milwaukee (July 1, 2026), <https://www.fox6now.com/news/milwaukee-ice-arrests-ordinance-070126>; Up North News, *Milwaukee Mayor calls out ICE agents ignoring no-mask mandate* (July 2, 2026), <https://upnorthnews.wi.com/news/video/milwaukee-mayor-calls-out-ice-agents-ignoring-no-mask-mandate/>.

<sup>5</sup> A.J. Bayatpour, *ICE says it won’t follow Milwaukee mask ordinance as city, county weigh ‘legal action’* (July 1, 2026), <https://cbs58.com/news/ice-says-it-wont-follow-milwaukee-mask-ordinance-as-city-county-weigh-legal-action>.