

WHY KRISTI NOEM'S KIDNAPPING OF BRAD LANDER FAILED ... THUS FAR

In my opinion, three things thwarted Kristi Noem's attempt to interfere in Brad Lander's campaign to be NYC's Mayor by detaining him yesterday:

- Independent media
- Solidarity
- The law

Independent media

I'm increasingly perplexed that when people make lists of prominent Democrats that Noem's goons have targeted, they leave off David Huerta, the CA SEIU President arrested on a public sidewalk in front of a garment factory where ICE was conducting a search.

I increasingly think the omission may stem from the dearth of video coverage of his arrest – which basically consisted of two ICE guys picking him up and then pushing him down, leading to him knocking his head on the curb (for which he got hospital treatment).

Brad Lander's detention, by contrast, was quickly covered by independent media present or close by.

I first learned about the detention when The City's Gwynne Hogan reported it (and posted a shorter version of the above video) in real time. Here's their story on the detention.

Hell Gate provided updates, including about the protest outside and Lander's past visits to the courthouse to accompany migrants to court hearings.

AMNY's Dean Moses posted this picture, which contrasted the fully masked man conducting the arrest with the violence the ICE goons were using in their detention of Lander.



City Comptroller Brad Lander was arrested and accosted by masked federal agents at immigration court in Lower Manhattan.

Photo by Dean Moses

Mainstream media (with exceptions like Wired) may not save us. But the diligence of independent outlets could.

NYT has the ability to sustain all that independent journalism. But if you can – especially if you live in New York – you might consider supporting them (recall that The City did a lot of the reporting on Eric Adams' corruption before bigger outlets picked up the story).

- The City
- Hellgate

Solidarity

That reporting allowed a group (including Zohran Mamdani and four other Mayoral candidates) to peacefully assemble in front of the courthouse. Eventually, even Kathy Hochul came to the courthouse and accompanied Lander as he was released, calling his arrest “bullshit.”

Hochul announced she'll provide some state funding for the migrants who're being targeted as they attend court hearings, the problem that Lander was trying to address.

Lander, after he was released, emphasized that he gets to go home but the man he attempted to accompany today, a man named Edgardo, was in ICE detention.

One important point of all this is the underlying solidarity. This was not Lander's first visit accompanying people; among the folks respond to his detention were one who had been inspired by his actions to engage as well, and another who had provided an Arabic translator some weeks ago. Contrary to what silly pundits have started to argue, the point is not to get arrested. The point is to create friction for Stephen Miller's dragnet. The point is to bring visibility and opposition to inhumane treatment.

American Prospect's story on the arrest focused on that.

It's not only the courtroom treatment of defendants that's egregious. So are the living conditions at 26 Federal Plaza. In an interview with the Prospect, Daniel Coates, director of public affairs at Make the Road New York, said that ICE is using the building to hold people for multiple days before transferring them elsewhere, packing them in so tightly that some have no room to sleep except for on the bathroom floor. The rooms are hot because the air-conditioning is inadequate, detainees have "no opportunities to get a change of clothes or clean themselves," have no access to medical treatment, and cannot maintain their dietary restrictions, said Coates, who spoke at the press conference held after Lander's detention.

"The space is exploding," Coates said, "and it's sort of a black hole there because ICE is refusing entry to members of Congress," who are supposed to be allowed to oversee such buildings. It's an open question of "what actually 26 Federal Plaza is being used for," he

| said.

The point is not the arrest. The point is to expand solidarity.

The Law

I think there were a number of reasons SDNY couldn't charge Lander, at least not yet:

- According to one of the journalists there, one of the ICE goons said to another *before Lander did anything* "do you want to arrest the Comptroller?" Like the Ras Baraka arrest, it was premeditated and had little to do with his own actions.
- Because media was there, because Moses took that really damning photo, it ensured that there was plenty of footage that would make it viable to rebut a prosecutor's hypothetical claim that Lander was resisting or (even more outlandish) assaulting them. It's true that cops can convict on 18 USC 111 charges where someone wrestles with the cop, but here Lander would have a viable argument that this was all about assaulting him.

- At one point, Lander asked for one of the ICE officers' badge number but didn't get it, and both the goons who arrested him were in plain clothes and one was entirely masked. He repeatedly asked to see a judicial warrant (only an administrative warrant is required); but the ICE officer merely waved a paper at him. To sustain an 18 USC 111 case, the government would have to show that these were officers conducting their duty, both they refused to prove that to Lander before they detained him.
- While Lander did get the law wrong on at least one count (that ICE couldn't arrest US citizens *at all*), the law does say that they can only arrest without a warrant in case of a flight risk. There is not a chance in hell that NYC's current Comptroller and aspiring Mayor would flee, so he could make a good case that the arrest itself was illegal.
- The problem I laid out yesterday; Emil Bove already told an SDNY judge that Eric Adams merely being prosecuted was election

interference. Lander was going to have a very good case that DHS was attempting to help Adams and hurt Lander.

But for both the last two reasons, this may not be over. The NYT quoted a SDNY spox suggesting the government could still charge this, perhaps after the Mayoral race.

A spokesman for the Manhattan U.S. attorney's office said in a statement that the office was investigating Mr. Lander's actions, but said nothing about criminal charges. The spokesman, Nicholas Biase, noted that federal law prohibited assaults on law enforcement and other public officials and obstruction of official proceedings.

That doesn't mean those charges would succeed. It means they might try to avoid the obvious hypocrisy of dismissing charges against one NYC mayoral candidate by waiting to charge another.

Update: I asked SDNY if they had opened an election interference investigation into the people who arrested Lander. Spox Nicholas Biase declined to comment.