

DOJ WITHHELD PROOF THEY KNEW THEIR ASSAULT OF LAMONICA MCIVER WAS “BAD” BEFORE THEY CHARGED HER

Today was a big day in New Jersey. It was the day that both Congresswoman LaMonica McIver and DOJ had to submit supplemental filings in McIver’s case about whether the second of three charges against her fit entirely within her duties of oversight as a Congressperson.

It was also the day after Alina Habba finally gave up play-acting as US Attorney in the wake of the Third Circuit ruling that such play-acting was unlawful, something that sane-washing journalists inaccurately called a resignation.

Indeed, the most interesting thing about the government’s response was that it was signed by the guy, Phillip Lamparello, Pam Bondi installed to oversee criminal matters as part of her contemptuous refusal to permit a US Attorney be appointed in a legal manner (which may be why Todd Blanche remains on these filings, because this is still bullshit).

Otherwise, that motion complained that, “the Defendant had not included among her exhibits the video footage that most clearly depicted the events described in Count Two.” It argued that physical contact initiated by ICE was just a continuation of what happened outside the gate.

The Defendant’s actions as alleged in Count Two were simply the continuation of her actions in Count One, albeit with a different individual being subject to her ongoing efforts to interfere with the Mayor’s arrest.

And it argued that when ICE assaults members of Congress it still must be treated as an assault on ICE unprotected by Speech and Debate.

The Government respectfully asserts that any assault upon a federal officer should qualify as an act that is “clearly non-legislative” given that such an act is clearly an “illegitimate activity.” And it would be clearly non-legislative whether the arrest that triggered the assault took place outside the Security Gate or inside of Delaney Hall.

By contrast to the government’s terse 9-page response, McIver’s 19-page supplemental brief cites ten videos and two sealed Signal chats.

2. Exhibit X is a true and correct copy of a signal chat produced by the U.S. Attorney’s Office as part of a folder titled USA-000353, including participants from DHS and HSI. This exhibit will be filed under seal pursuant to a protective order signed by the parties and entered by the Court. See ECF No. 38.

3. Exhibit Y is a true and correct copy of a signal chat produced by the U.S. Attorney’s Office as part of a folder titled USA-000334, including participants from HSI. This exhibit will be filed under seal pursuant to a protective order signed by the parties and entered by the Court. See ECF No. 38.

Most of McIver’s filing conducts a second-by-second analysis of the video, showing that when she got back inside the gate she immediately headed towards the facility and not to where Mayor Baraka was being arrested without probable cause.

But a footnote describes one of the things in

those Signal chats (another appears to have been notice that McIver and her colleagues said they were there to conduct oversight).

It wasn't until November 26 – almost two weeks after Judge Jamel Semper ruled on McIver's immunity bid – that DOJ turned over texts copying this video, observing that it looked bad.

5 The Spotlight News video came to light during the course of supplemental briefing only because it was referenced in a May 9, 2025, text message that the government finally turned over on November 26, 2025. HSI special agents exchanged the video in that May 9 conversation, where the agents also acknowledged that the evidence in the video was "bad." Ex. Y at 2-3. The prosecution team therefore clearly knew about the text messages (and thus the video) when disclosures were due in July.

McIver's lawyer, Paul Fishman, says he will address this delayed discovery in a follow-up letter.

Inexplicable delays in the government's discovery productions mean that the record continues to be developed.¹

¹ Congresswoman McIver will detail these shortcomings in a forthcoming letter to the Court.

But the implication of this is clear.

DOJ was never going to turn over these discussions – conducted on Signal – until Judge Semper ordered this supplemental briefing. They were sitting on evidence that shows that before DHS first started calling McIver's actions an assault on May 10 (McIver had to ask to have these Tweets taken down, but the timeline is in her motion to do so), they had shared video

noting that *their own actions looked bad*.

Over and over this year, DHS has assaulted opponents of ICE and then charged them for it. And these Signal texts sure seem to support that they knowingly did the same thing with Congresswoman McIver.

And then buried it in a discovery violation.

Update: At the status hearing pertaining to these filings, which was on November 17. McIver's attorneys complained they were getting screen shots of Signal texts collected by Agents rather than texts with actual metadata from the posts.

Your Honor, I will just tee up that we have, you know, that there is certainly going to be an issue with respect to the government's messages. We have received a partial production of the messages. I believe it is 54. And, you know, we are going to be, you know, we are preparing a letter to send to Your Honor. We have had some dialogue –

THE COURT: The text messages between the agents on the day in question?

MR. CORTES: That is correct, Your Honor. We have gotten 54 of them. They are a mish-mash of things of what appear to be Signal chats. Some of which seem like text messages. We have gotten a few emails.

But the broader issue I think, Your Honor, and just to preview it, obviously, I will put this in writing because I don't – I want Your Honor to have the complete take, and, obviously, the government is going to have responses; but just as an overview, Judge, the messages that we have gotten, appear to be messages that the agents themselves searched for on their devices, applying search terms that the government tells us that they supplied

to the agents, but they would not share with us the entirety of what those search terms were.

And then the agents took their devices and took photographs, screen shots of the messages that were responsive to the search terms that they applied. And then provided that to the government. And the government provided us a selection of those screen shots.

This led the AUSA to ask Judge Semper to provide clear guidelines of what they should be turning over, which led to this colloquy.

MR. CORTES: That I – One, the government, that the prosecutor, the A.U.S.A. should be the one conducting this search, applying the search term, applying, you know, conducting the review. Right? They should be the ones conducting the review.

THE COURT: Yes.

MR. CORTES: The other thing I would add is, if there is material before and after the visit that is dealing with how to deal with the members of the congress that are showing up or in the wake of the experience that is, that is, right, that is material, that deals with it, that deals with reactions, all of that as well.

THE COURT: Then I think we are in search term land.

MR. CORTES: Sure.

THE COURT: But for this period of time 12 and 5, I just think we are in, you know, what do the videos show, what do the text messages show land. And if there is something beyond that that you see, counsel, you are an officer of the court, I respect whatever representation you put before me.

You can do your search terms on the other areas outside of the block that I've mentioned. If there are things that relate to the congressional delegation and the visit, procedures that would occur, obviously, I'm very focused on 527, so anything that relates to that, would be fair game.

But for right now, let's just do it quick and dirty; 12 to 5. And then anything that floats from that, that you think needs individualized assessment, come to me. I'm here

So one explanation for the late disclosure of these messages are that the Agents were withholding them in their own searches.