

Court rules against Trump's use of Alien Enemies Act to deport Venezuelans

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Dallas, May 2 (RHC)-- A U.S. judge has issued a permanent injunction preventing the administration of President Donald Trump from using the Alien Enemies Act of 1798 (AEA) to deport Venezuelans from

South Texas.

Thursday's ruling is the first of its kind — and is likely to be swiftly appealed. It follows similar, if temporary, orders barring the government's use of the law, as Trump seeks the rapid removal of undocumented immigrants from the country.

In his 36-page decision, U.S. District Court Judge Fernando Rodriguez Jr ruled that the Trump administration had "exceeded the statutory boundaries" of the Alien Enemies Act, a wartime law.

Trump had issued an executive proclamation on March 15 to invoke the law against members of the Venezuelan gang Tren de Aragua. He argued that Tren de Aragua was "perpetrating an invasion of and predatory incursion into the United States", thereby justifying such extreme measures.

The Alien Enemies Act, after all, had been invoked only three times before, most recently during World War II. But Judge Rodriguez said the threat of Tren de Aragua fell far short of the standards necessary to use the Alien Enemies Act, although he did concede the gang participated in activity that "unambiguously is harmful to society."

"The Court concludes that [Tren de Aragua's activities] do not fall within the plain, ordinary meaning of 'invasion' or 'predatory incursion' for purposes of the AEA," the judge wrote. "The Court concludes that the President's invocation of the AEA through the Proclamation exceeds the scope of the statute and, as a result, is unlawful."

Since the Trump administration did "not possess the lawful authority under the AEA", Judge Rodriguez ruled it could not use the law to "detain Venezuelan aliens, transfer them within the United States, or remove them from the country".

Judge Rodriguez is a Trump-appointed judge who assumed his current post under the Republican leader's first term in 2018. His decision applies to the Southern District of Texas, including cities like Houston.

But while it is the most sweeping ruling of its kind, it joins an array of legal cases and court decisions weighing the Trump administration's use of the Alien Enemies Act.

The law allows the U.S. government to detain and deport citizens of an enemy country in times of war or invasion. Its usage, however, has been highly controversial, with critics calling it unconstitutional.

The Alien Enemies Act was used as justification, for example, to incarcerate tens of thousands of Japanese Americans and other foreign nationals in camps during World War II. That incident resulted in the U.S. formally apologising and offering compensation to Japanese American survivors decades later.

Trump is believed to be the first president to invoke the Alien Enemies Act outside of wartime. Using nativist rhetoric, he has sought to frame undocumented migration to the U.S. as an unbridled "invasion" of criminals, threatening communities with violence.

Since taking office for a second term, Trump has designated criminal groups like Tren de Aragua as foreign terrorist organisations, a category that makes non-citizen members inadmissible to the United States.

But the Supreme Court has ruled (PDF) that, for removals made under the Alien Enemies Act, foreign nationals are entitled to a judicial review of their cases.

Lower courts have also questioned whether the Trump administration's use of the Alien Enemies Act violated that right to due process. Judges in Colorado, Manhattan and Pennsylvania have issued temporary injunctions against the law's use, and in Washington, DC, Judge James Boasberg has

overseen a high-profile case where three planes of deportees were sent to prison in El Salvador under the law, despite an injunction against its use.

Last month, Boasberg ruled there was “probable cause” to find the Trump administration in contempt of court for violating his order. Hearings in that case are continuing, but Trump and his allies have argued that Boasberg has overstepped his judicial authority by interfering in matters of foreign policy.

The American Civil Liberties Union (ACLU) has been among the plaintiffs fighting the Alien Enemies Act’s use in court, and on Thursday, it applauded Judge Rodriguez’s decision.

“The court ruled the president can’t unilaterally declare an invasion of the United States and invoke a wartime authority during peacetime,” ACLU lawyer Lee Gelernt said in a statement. “Congress never meant for this 18th-century wartime law to be used this way.”

Adriana Pinon, the legal director of the ACLU’s Texas branch, also framed the decision as a win for immigrant rights. “This permanent injunction is a significant win for preventing unlawful, unilateral executive action that has been stoking fear across Texas, especially within border communities,” she said.

“Immigrants are, and always have been, an integral part of this state and nation. They, too, are protected by U.S. laws and the Constitution.”

Top Democrats like Senate Minority Leader Chuck Schumer also weighed in, calling Trump’s use of the Alien Enemies Act unconstitutional. “The Trump administration is patently breaking the law, trying to use the Alien Enemies Act to deport people without due process,” Schumer wrote on social media. “Americans reject this. The courts are taking them to task. We won’t stop fighting for our Constitution.”

The Trump administration is expected to appeal Thursday’s decision to the Fifth Circuit Court of Appeals in New Orleans, a conservative-leaning court.

[SOURCE: AP and NEWS AGENCIES]

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