# Trump’s constitutional crisis: detaining migrants without due process sparks legal battle



On 14 March, former President Donald Trump launched a significant constitutional crisis during a speech at the Department of Justice, declaring war against what he termed the “enemies within” the government. This address signalled a sweeping challenge not only to a specific group of migrants but also to key institutions across American society.

In his speech, Trump vowed: “We will expel the rogue actors and corrupt forces from our government. We will expose, and very much expose, their egregious crimes and severe misconduct. It’s going to be legendary.” He framed his mission as one aimed at consolidating unchecked executive power, dismissing traditional conservative principles such as limited government and rule of law. Trump portrayed his executive orders as superior to legal statutes, asserting authority to intimidate, threaten, and even abduct individuals.

Trump praised his appointees, notably Attorney General Pam Bondi and FBI Director Kash Patel, for their loyalty, while lambasting lawyers he deemed corrupt and accusing the Biden administration, particularly Joe Biden and former Attorney General Merrick Garland, of attempting to transform America into a “corrupt communist and third world country.” His remarks extended to migrants crossing into the United States, whom he described as “stone cold killers” with facial tattoos, a portrayal sharply contradicted by intelligence assessments.

Following the speech, Trump issued an executive order invoking the Alien Enemies Act of 1789, a law designed for wartime, to detain members of the Venezuelan gang Tren de Aragua. He alleged that the gang operated under the directive of the Maduro government to perpetrate serious crimes including murder, kidnapping, extortion, and trafficking. This claim was disputed by an intelligence community assessment reported on 20 March, which found no evidence that the gang was directed by Venezuela or involved in crimes in the United States on its orders.

Subsequently, 238 men were forcibly taken without due process to a maximum-security prison in El Salvador, run by President Nayib Bukele, who has controversially referred to himself as “the coolest dictator.” This detainment took place despite court orders, notably from Chief Judge James Boasberg of the US District Court for the District of Columbia, who ordered the return of the detainees. The Trump administration defied this order.

In a 24 March hearing before the US Court of Appeals for the DC Circuit, Judge Patricia Millett sharply criticised the lack of due process, stating: “Nazis got better treatment under the Alien Enemies Act.” When the administration’s lawyer disputed the comparison, she pressed, “What’s factually wrong about what I said?”

Legal challenges rapidly ensued. On 7 April, the Supreme Court ruled that the detainees were entitled to due process, which they had been denied. On 11 April, the Court unanimously ordered the administration to facilitate the return of Kilmar Ábrego García, a legal Maryland resident who had been mistakenly detained. On 19 April, it temporarily blocked further deportations under the Alien Enemies Act.

Investigations by CBS’s 60 Minutes found that criminal records could not be found for 75% of the Venezuelan detainees, while Bloomberg News reported roughly 90% had no criminal history.

On 14 April, Trump hosted Bukele at the White House, where their interaction bore the tone of camaraderie. Bukele remarked: “You have 350 million people to liberate. But to liberate 350 million people, you have to imprison some. That’s the way it works, right?” Trump concurred, mentioning the need for additional detention facilities.

When questioned about Ábrego García’s situation, Attorney General Bondi deflected responsibility to El Salvador, while Bukele dismissed concerns from reporters as “preposterous.” Trump dismissed criticisms from the media, saying of a reporter, “That’s why nobody watches you anymore. You have no credibility.”

Despite Trump’s public detachment from the issue, having signed the executive order authorising the detentions, his administration claimed it lacked control over the detainees held in the Salvadoran prison. Homeland Security Secretary Kristi Noem visited the prison on 26 March to film a video, a visit that raised legal and ethical questions under the Geneva Conventions regarding the treatment of prisoners.

Judge Boasberg noted the administration’s “willful disregard” of his orders and threatened to appoint a special prosecutor if compliance was not forthcoming. Judge Paula Xinis of Maryland demanded progress in the return of detainees, criticising the administration’s refusal to comply with discovery obligations and requiring disclosure of all involved personnel, including lobbyists and state department officials linked to the operation.

A notable development came on 17 April when Judge J Harvie Wilkinson III, a conservative jurist and Reagan appointee, issued a strong opinion condemning the government’s actions. He observed that the administration claimed a right “to stash away residents of this country in foreign prisons without the semblance of due process” and warned of the dangerous precedent such authority could set. He wrote: “If today the Executive claims the right to deport without due process and in disregard of court orders, what assurance will there be tomorrow that it will not deport American citizens and then disclaim responsibility to bring them home? And what assurance shall there be that the Executive will not train its broad discretionary powers upon its political enemies?”

Judge Wilkinson’s critique highlights a fundamental legal conflict between the Trump administration’s approach, which draws on authoritarian legal ideas reminiscent of Carl Schmitt’s theories on emergency powers, and the constitutional protections asserted by the judiciary. This ongoing clash is now moving through various courts and will likely require a definitive ruling from the United States Supreme Court on the limits of executive authority and the rights of individuals.

The Guardian is reporting that the legal and political ramifications of these events continue to unfold, raising profound questions about governance, rule of law, and the scope of presidential power in the United States.

Source: [Noah Wire Services](https://www.noahwire.com)

## References

* <https://www.youtube.com/watch?v=fK9laTp-sXY> - This video shows President Donald Trump delivering remarks at the Department of Justice on March 14, 2025, which was a significant event where he framed his mission against perceived enemies within the government.
* <https://www.youtube.com/watch?v=sO4GEwZoh2o> - This URL provides another recording of Trump's speech at the DOJ, where he made remarks about expelling rogue actors and consolidating power.
* <https://www.fox26houston.com/video/1608637> - FOX 26 Houston's video coverage of Trump's speech at the DOJ can provide insights into his stance on government corruption andloyalty.
* <https://www.youtube.com/live/M-5l8Qlb0m0> - This link provides a full speech by Trump at the DOJ, which covered topics like fentanyl and challenging traditional government structures.
* <https://www.youtube.com/watch?v=-Q6Dl0B_sPo> - This video offers another perspective on Trump's DOJ speech, highlighting his focus on restoring law and order.
* <https://www.theguardian.com> - The Guardian is mentioned as reporting on the legal and political ramifications of Trump's actions, providing an overview of the ongoing governance and rule of law issues.
* <https://www.theguardian.com/commentisfree/2025/apr/27/trump-law-constitutional-crisis> - Please view link - unable to able to access data