

Congress of the United States

Washington, DC 20515

April 11, 2025

The Honorable Donald J. Trump
President
The White House
1600 Pennsylvania Ave. NW
Washington, D.C. 20500

Dear President Trump:

We write regarding your unlawful invocation of the Alien Enemies Act of 1798, resulting in noncitizens being deported without any due process, not to mention violating the requirement that the statute be invoked only in response to an act of war, predatory incursion, or invasion by a foreign government. Our immigration laws can already hold gang members accountable and provide for their deportation. The government should not be able to falsely accuse individuals in the United States, including U.S. citizens, of gang membership and send them to foreign prisons without any judicial review or remedy. The Supreme Court, when confronted with the manner in which you conducted the removals, unanimously rejected the implementation and its corresponding lack of notice and opportunity to challenge individuals' removals. Moreover, deporting these individuals to Salvadorian prisons will also subject them to inhumane conditions, further exacerbating the legal issues in invoking the Alien Enemies Act.

The Alien Enemies Act was passed as part of the infamous Alien and Sedition Acts, and it was used during World War II to detain tens of thousands of innocent Japanese, German, and Italian individuals based on nothing but their ethnicity. This wartime use of the Alien Enemies Act served as a precursor to Executive Order 9066, resulting in the incarceration of 111,000 Japanese Americans. Those who were caught up in that xenophobic panic, as well as organizations like the Japanese American National Museum, have condemned your recent invocation of the act.

We reiterate that the plain language of the law limits the president's use of the Alien Enemies Act to two enumerated situations: times of declared war, and times of invasion or "predatory incursion" by a foreign nation or government. The Act has only been invoked three times in American history: the War of 1812, World War I, and World War II. A Venezuelan gang does not qualify as an arm of the Venezuelan government.

By claiming a foreign "invasion" or "incursion," you are clearly attempting to suspend due process for noncitizens and speed up your mass deportation campaign. Circumventing immigration law, and its requirement of verifiable evidence, will result in people with no gang affiliation being incorrectly targeted and deported. Multiple individuals who were subjected to the Alien Enemies Act had ongoing cases arguing that they were not members of Tren de Aragua. An attorney for one individual says that her client was mislabeled as a member of the gang due to a tattoo supporting the Spanish soccer team Real Madrid and for flashing the popular hand symbol for "rock and roll." Another individual is a tattoo artist. A third individual was a make-up artist who was seeking asylum due to his sexual orientation.

Aside from these foregoing concerns, your choice of deportation sites will likely subject people to human rights abuses. El Salvador's prisons are notorious for their inhumane conditions, including denial of medical care, lack of food, and outright torture. Over 260 people have died in those prisons in the last two and a half years, including some with signs of serious physical abuse. An Amnesty International UK report accused the Salvadorian authorities of a "systematic policy of torture towards all those detained."

The specific prison that will house the deported individuals, the Center for Terrorism Confinement (CECOT), has been described as a place “to dispose of people without formally applying the death penalty.” According to a Times reporter who watched the individuals be transferred to CECOT, the “intake began with slaps.” When detainees fell due to how quickly they were being moved, they were kicked, slapped, and shoved. One person asked for his mom and cried. He was slapped again. We should not subject individuals to mistreatment and more, much less individuals who have had no due process and have not been found guilty of any crimes.

At this point, we request that you provide us with information and regular updates on the following:

1. The names, nationalities, and ages of the people sent to El Salvador to be imprisoned in CECOT, including the number of individuals under the age of 18;
2. What evidence was used to determine that each individual was a member of Tren de Aragua;
3. The overall estimated costs and sources of funding associated with detaining and deporting these individuals; and
4. The procedures for individuals to challenge your administration’s determination that they are a member of Tren de Aragua, either here in the United States or in El Salvador, including how much time you provide to individuals to mount a legal challenge.

In closing, invoking the Alien Enemies Act does not make Americans safer. It endangers all of us, by removing due process protections and ignoring the plain text of the statute. We urge you to abandon this decision.

Sincerely,



Mazie K. Hirono
United States Senator



Ilhan Omar
Member of Congress



Jeffrey A. Merkley
United States Senator



Eleanor Holmes Norton
Member of Congress



Bernard Sanders
United States Senator



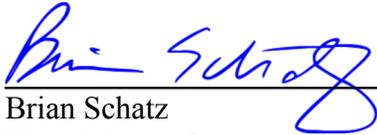
Alexandria Ocasio-Cortez
Member of Congress



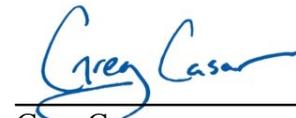
Alex Padilla
United States Senator



Rashida Tlaib
Member of Congress



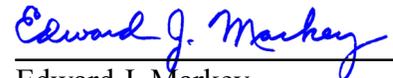
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