



TogetherWorks Southern Utah is a non-partisan organization united to inform, educate and effect positive change for all members of our community.

DUE PROCESS

WHAT IS DUE PROCESS?

The **Fifth Amendment** of the Constitution of the United States of America states: "No person shall ... be deprived of life, liberty, or property, without due process of law." The Fourteenth Amendment adds: "... nor shall any State deprive any person of life, liberty, or property, without due process of law."

The government can, through our elected officials, make laws that address life, liberty, or property, but due process is required when enforcing violations of these laws.

WHAT DOES IT MEAN FOR YOU?

Under the system enshrined in our Constitution, any person residing in the United States is entitled to a process requiring an independent justice system to hear the case for the prosecution and the defense before judging the facts under the law. If we allow the accuser to also be the judge, jury, and executioner for anyone, we are all at risk of the same treatment.

HOW IS DUE PROCESS BEING VIOLATED TODAY?

President Trump has established a policy of deporting migrants without allowing them to have their case heard by any judicial review. Those being removed were arrested and forcibly sent to a prison in El Salvador, for essentially a life term in prison, and no hope of ever receiving due process, where the government would have to prove their case against them. Trump justified this action by invoking the **1798 Alien Enemies Act**, even though we are not in any declared war, as required by the Act. These recent actions have been based on the claim that those being "deported" are dangerous criminals. In many cases, this claim is based on a subjective interpretation of tattoos and social media posts. Even if some are dangerous gang members, that fact must be proven through court proceedings (*due process*). The Supreme Court has put a pause on the removal of a group of Venezuelan migrants. In response, Trump stated, "We cannot give

everyone a trial, because to do so would take, without exaggeration, 200 years."

Kilmar Abrego Garcia, an El Salvadoran living in Maryland, was forcibly removed to El Salvador even though an Immigration Judge had issued an order that prohibited his deportation to El Salvador. The Trump administration has admitted that his removal was an "administrative error" but has not taken any action to comply with the Supreme Court order to "facilitate his return."

Trump has suggested that this removal process to El Salvador would be a good idea for "homegrown" bad guys, meaning that he thinks **withholding due process could work for U.S. citizens** as well as migrants. **Due Process is foundational for our liberty. If due process is denied to anyone, it could be denied to all.**

WHAT CAN CONGRESS DO?

It is the duty of Congress to monitor and act as a check on the Executive Branch. Each person in Congress and the President has taken an oath to preserve, protect, and defend the Constitution. Trump is not only **flagrantly violating the 5th Amendment**, but has also challenged birthright citizenship, where a person born in the U.S. immediately becomes a U.S. Citizen. These are blatant and serious violations that rise to the highest of crimes and require impeachment and conviction by Congress.

WHAT CAN YOU DO?

Our duty as citizens is to become **factually informed on evolving civic matters**. It is our right to freely demonstrate and protest to express our position and to communicate concerns to our elected officials. If our concerns are ignored, it is our privilege and duty to vote for a candidate who would better represent us.

*Prepared by: Harry Reed for TogetherWorks Southern Utah
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