

April 29, 2025

Senator John Cornyn
via Central Texas Regional Director Jill Wyman
221 W 6th St., Suite #1530
Austin, TX 78701

Re: Meeting on Denial of Due Process, Request for Return of Central Texas Teenager Carlos Daniel Terán Aguilar from Salvadoran Prison, and Request for Return of Rule of Law

Honorable Senator Cornyn:

We are but a few of your many Texas constituents who are deeply concerned about the Trump Administration's assault on the rule of law demonstrated by its recent deportations of Venezuelan immigrants and refugees to El Salvador's Terrorism Confinement Center (CECOT) without any adequate due process (provision of notice and an opportunity to be heard on their legal rights not to be removed). Our concern is shared by some of the most notable conservative jurists in the nation, including retired Fourth Circuit Judge J. Michael Luttig who has asserted that the Trump White House has "declared war on the rule of law in America" [1] and Judge Harvie Wilkinson who bluntly observed in a Fourth Circuit opinion on April 17th that the Trump Administration is "asserting a right to stash away residents of this country in foreign prisons without the semblance of due process that is the foundation of our constitutional order." [2]

We are seeking your assistance with the current situation of Texas teen Carlos Daniel Terán Aguilar who was lifted by ICE agents from his Cedar Park home on January 26th and disappeared on March 15th. [3] Subsequently, Daniel's name appeared on a list of 237 Venezuelans deported to the CECOT prison without any opportunity to legally defend themselves. The Trump Administration has claimed that all these Venezuelans are members of the Tren de Aragua gang without presenting a shred of evidence in court. Reliable journalists have found that the vast majority have no criminal records anywhere, calling into doubt the Administration's

assertions. [4] All of these men need to be returned to the United States where they can effectively assert their due process rights.

Asserting his due process rights is what Daniel Terán Aguilar was legally doing when he was disappeared to El Salvador. American Gateways, a nonprofit Austin immigration law office, began representing Daniel shortly after his detention by ICE. Informed that he was eligible to apply for political asylum, but that he would not be allowed out of detention while his claim was processed, Daniel told his lawyer, Edna Yang, that he would rather go back to Venezuela. He had a removal hearing before an immigration judge on March 25th. On March 20th, CBS News released the ICE list of Venezuelan deportees to the Salvadoran prison. Daniel's name was on it. Yang attended Daniel's removal hearing, where she had to inform the judge that he'd been whisked away. When she requested proof to support allegations of Daniel's gang involvement from the government attorney at the hearing who claimed Daniel was a member of Tren de Aragua, she received nothing. Daniel had no recorded history of gang activity or affiliations, no tattoos; only one previous arrest in Chile when he was 16 years old, with two other teens, allegedly for dealing a small quantity of drugs in the presence of a firearm. The offense was so slight that the three were released. Daniel legally entered the United States to be with his father and stepmother, was legally present in the United States when abducted by ICE, had committed no crimes here, had a job washing dishes, and enjoyed riding his bike. [3]

Why are we coming to you on behalf of a Venezuelan youth? Because he obviously has been grossly harmed by our government. Although legally present in our country, he was brusquely removed without fair process to a place where, presumably still alive, he languishes among a bunch of adult men in a prison built to deliver harsh and degrading treatment, incommunicado with the rest of the world, for an undetermined period of confinement that could be the rest of his life.

What constituent standing does this young man have before you? Daniel has constituent standing under the Fifth and Fourteenth Amendments to the U.S. Constitution. Everyone within your principal area of responsibility, Texas, even if they cannot vote, is your constituent in regard to their right of protection under our American rule of law. Moreover, Daniel has standing through us, as we

unquestionably have the right to ask for your assistance. Daniel Terán Aguilar is our neighbor. We are directly impacted by his maltreatment not only because it shocks the conscience to treat anyone this way, much less someone barely emerging from childhood, but because if this scapegoating of noncitizens is not stopped now, citizens will be next. Judge Wilkinson calls the abrogation of habeas corpus inherent in the Trump Administration's shameless deportations without due process "lawless." He reasonably concludes that 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?" [2]

Regarding recent social media statements in which you criticize Senator Chris Van Hollen for going to El Salvador to check on the wellbeing of Kilmar Abrego Garcia, we respectfully and strongly disagree. We consider what Senator Van Hollen did to be an exercise of good stewardship of the Constitution when the Executive is so testing the limits of the Judiciary that the rule of law is dangerously close to the breaking point. No matter what you and we might call it, Senator Van Hollen's trip showed us that it is possible for a U.S. Senator to get an audience with the Salvadoran government, an opportunity to find out the conditions under which a U.S. deportee is being held, even to meet personally with the deportee, and to be a conduit of communication between that deportee and persons who care about him, such as his family and lawyers.

Our federal courts, undoubtedly ending with the U.S. Supreme Court, will determine whether persons who are otherwise legally in the United States, like Carlos Daniel Terán Aguilar, can be arrested and deported under the Alien Enemies Act, the contours of protection they most certainly are to be afforded under the Due Process clauses, and whether and how the Trump Administration may be required to provide an adequate remedy to those like Daniel who have been deported without any due process. We urge you, meanwhile, to insist publicly and privately that the Trump Administration's oncoming vigorous "law and order" campaigns---directed against immigrants and citizens alike---be consistent with the rule of law under constitutional constraints.

We are in agreement that active members of Central or South American gangs should be removable from the United States. However, we are distressed over the transparently weak public arguments the Administration has raised for its current deportation spree and by the overall circumstances:

- The criteria for identifying gang members are dubious. [5] For example, although tattoos might provide reasonable suspicion of gang membership, those alone should not be conclusive because, among other things, the presence of similar tattoos can be entirely innocent or the tattoos may indicate a long-ago prior participation that has been terminated and eschewed. When someone leaves a gang, they become a target of the gang and, if they have not actually participated in terrorist activity or persecution, they may be eligible for protection under US immigration law. [6] In addition, sports team paraphernalia are laughable as criteria when Venezuelans naturally wear the uniforms of American teams on which Venezuelans play.
- The lack of any known criminal records *anywhere* among the vast majority of Venezuelan deportees to El Salvador is a strong counterpoint to the Administration's claims that they are among the "worst of the worst." [4]
- The Administration's hiding from the courts of whatever "evidence" it has against the individuals through assertion of "state secrets" is appalling. That any state secrets might be involved is doubtful. And surely the Administration has heard of in camera review of evidence by a judge. [7]
- Lastly, when government officials have divulged all of their alleged "evidence" for removal, it has come up short. For example, on Friday, April 25th, an El Paso senior federal judge released a Venezuelan couple accused by the government of membership in Tren de Aragua finding that the government's case was based upon "shoddy affidavits and contradictory testimony." [8]

You are on the Judiciary, Intelligence, and Foreign Relations Committees, the most important committees in the Senate for ascertaining an accurate state of facts

regarding the Trump Administration's Alien Enemies Act actions and, possibly, for helping Carlos Daniel Terán Aguilar.

Please have a look behind the "state secrets" curtain at the alleged evidence the Administration purports to have against Daniel. Your membership on the Intelligence Committee should give you access.

Please investigate, through the State Department and Salvadoran government, "proof of life" of Daniel and the specific conditions of his confinement. Your membership on the Foreign Relations Committee should give you access. We note that Senator Van Hollen also is on that committee. We ask that you consult with him about how to approach the situation.

Assuming Daniel is alive, please do everything you can to establish a continual and reliable line of communication between Daniel and his family and his attorney, Edna Yang. [9]

Please do everything you can to encourage the speedy return of Daniel to the United States where the Trump Administration's claims against him can be properly adjudicated by a court and, possibly, he can be released back to his grieving and terrified family.

Thank you for your attention to our concerns about Daniel and the whole situation. Due to the danger we perceive him to be in, we request that you work quickly on our above requests. We would like to get a report from you in two weeks about what progress you may have made toward the above ends. Thank you for your service to our country, to us, and for your courtesy and cooperation.

Sincerely,

Katie Bender
Donna Hoffman
Walter Long
Jon Weizenbaum

REFERENCES

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[7] Maegan Vazquez and Teo Armus, “Judge Orders Release of Venezuelan Couple Accused of Being ‘Alien Enemies,’” Washington Post, April 26, 2025; <https://www.washingtonpost.com/immigration/2025/04/26/ice-deportation-alien-enemies-act/>

[8] Michael Kunzelman and Lindsay Whitehurst, Associated Press, “Trump Administration Invokes State Secrets Privilege in Case over Deportation of Venezuelan Migrants,” PBS; <https://www.pbs.org/newshour/politics/trump-administration-invokes-state-secrets-privilege-in-case-over-deportation-of-venezuelan-migrants>

[9] Edna Yang, Co-Executive Director, American Gateways; <https://www.americangateways.org/team>