

Yes, even criminals are entitled to due process

The boundaries of the United States Constitution are being tested and stretched as never before in living memory.

In March, the United States government snatched a protected El Salvadoran national off a street in Maryland and shipped him off to a prison in El Salvador, as a result of what the government calls an “administrative error.”

In 2019, Kilmar Abrego Garcia was found by a U.S. immigration just not to be a gang member and to be deserving of U.S. protection from his home government of El Salvador. In March, however, the United States changed Abrego Garcia’s immigration status without notice or warning to Abrego Garcia. He was then detained and condemned to an El Salvador prison without notice or trial.

The United States Constitution provides a number of due process protections, including the right to notice of the government’s charges, a meaningful right to be heard, and the right to legal counsel in criminal cases.

Abrego Garcia had no opportunity to challenge the government’s new belief that he is a gang member. Abrego Garcia had no notice that the government had revoked his protected immigration status. Abrego Garcia had no opportunity to consult with a lawyer, and, most egregiously, Abrego Garcia had no a hearing before an impartial judge.

Abrego Garcia was condemned to an El Salvadoran prison just because some unidentified person in the government decided he should be.

Why is a noncitizen such as Abrego Garcia entitled to the due process protections of the United States Constitution?

If you were confronted by masked, ununiformed persons claiming to be law enforcement who handcuffed and chained you, would you be able to prove your citizenship right then and there on the spot? What if they refused to believe you? What recourse do you have once you are imprisoned on foreign soil?

Due process is a **human right**. The United States did not invent due process and these protections are not exclusively limited to U.S. citizens.

Due process rights go back as far as 1215, when King John signed the Magna Carta in Runnymede, and quite likely date from before that time. They were enshrined in our Bill of Rights and made part of the United States Constitution in 1791.

Everyone is entitled to due process, no matter who and no matter what their immigration status, because those rights protect us all. If someone like Abrego Garcia can be snatched

off the street in the United States and shipped to another country without notice or hearing,
so can you.