

**PANEL ON MASS DEPORTATION AT *RUTGERS UNIVERSITY*  
*LAW REVIEW*'S "THE DUAL ROLE OF IMMIGRATION &  
CITIZENSHIP LAW" SYMPOSIUM**

*Margaret Stock\**

**MODERATOR (PROFESSOR JESSICA ROFÉ):**

Thank you so much to all of you for joining us today. I think I'll begin with a question that's probably on everyone's mind. What does advocating for the rights of immigrants today look like under Trump 2.0 and does it differ from that advocacy under Trump 1.0? I'll go ahead and start with Margaret and then let all of the panelists answer this question.

**MARGARET STOCK:**

Before I answer the question, I wanted to mention that I am from Alaska. There, we do have a problem where we can't tell whether somebody is undocumented or not merely by looking at them. And the best example of that is the fact that we're the only state in the union that ever had an undocumented immigrant as our Governor. We had a Territorial Governor of Alaska who was outed when his other wife showed up from Canada looking for him. It turned out he was an undocumented immigrant from Canada and the president of the United States had appointed him to be the Territorial Governor of Alaska without checking his papers. You can look it up, John Franklin Strong, the former territorial governor of Alaska.<sup>1</sup>

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1. See *Governor John F.A. Strong – Governor of the Territory of Alaska, 1913-1918*, LITSITE ALASKA, <https://www.litsitealaska.org/index.cfm?section=digital-archives&page=People-of-the-North&cat=Politicians&viewpost=2&ContentId=2740> [<https://perma.cc/QK89-V8Z5>] (last visited Mar. 1, 2026).

The question had to do with how things look—how are things different under Trump 2.0 versus Trump 1.0.? I have lived through both of these regimes, and I can tell you it's a lot worse now under Trump 2.0 than it was under Trump 1.0. The main thing that strikes me now that's very different is the quality of the lawyering by the Department of Justice and the Department of Homeland Security. During Trump 1.0, I felt that DOJ was sincerely trying to file legal briefs that conformed with the law; they were filing declarations that had truth in them. And I have been shocked and appalled to find that there is a trend in DOJ and DHS right now that I've seen in cases I've been handling. The government lawyers are putting false declarations into the record. The lawyers are saying things that aren't true about the law. The quality of the briefs is absolutely horrible. Precedent is not being cited. And it's shocking to me—having been a lawyer for more than thirty years—to see the Department of Justice and Department of Homeland Security sink to that level. I never expected in my lifetime to see that happen. I thought that these were agencies that would stick to the bar rules; you know, lawyers are not supposed to commit fraud upon the tribunal. Lawyers are supposed to be honest in their assessment of the law. They're supposed to cite precedent. And I'm not seeing that.

I recently handled a habeas case in Alaska.<sup>2</sup> I don't think it hit the news too much on the East Coast, but it was a predecessor to the cases that everybody's talking about now in the news. In Alaska, we had a squad, a SWAT team, pick up a Somali man off the streets of Anchorage. And I got a call from the FBI telling me that they had my client in custody and they wanted to know if I could come down and listen to them interrogate him. And I said, "Sure." I rushed down there and my client was sitting in the custody of the FBI, and the agents were asking him questions. When they finished asking him questions, they said, "We're going to turn him over to DHS now to be deported." And I said, "Well, you can't do that. He's got Temporary Protected Status protection." And the DHS agent said, "We're going to deport him anyway." And I said, "Well, you know, that's unlawful. Why are you doing that?" And he said, "Orders." Then they put my client in the Anchorage jail for the night. Luckily, I got a habeas petition filed before they had him out of Alaska airspace. They shipped him down to Texas with all intention of deporting him to Somalia, even though it was illegal to do that when he had a TPS application pending. TPS protection is found in a statute that protects

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2. See *Salad v. Alaska*, No. 3:25-cv-00029-TMB-KFR (Mar. 7, 2025) (order on habeas petition).

people and they're not allowed to deport you if you have TPS or if you sought protection under TPS.<sup>3</sup>

The government then filed a brief saying they could deport him anyway despite the TPS. But there's no legal authority for this. The long and the short, we ended up winning the habeas, getting him shipped back to Alaska, and he was freed by a federal judge—but it was shocking and appalling to me that the Department of Justice was arguing that they had any right to do this. There was no law supporting their position whatsoever. They were even filing briefs that made no sense. The laws they were citing didn't even apply to the case. It looked like they had maybe cribbed a brief from somebody in a different case that had different facts. And they filed false declarations from people at Department of Homeland Security, and they put them in the court record. And the lawyers did not correct the false declarations in writing. Now, I was lucky the judge ordered my client freed and issued the Great Writ. My client is free now and walking around the streets of Anchorage back at work.

But I had never seen anything like this in thirty years of practicing law: Lawyers from the Department of Homeland Security and the Department of Justice were intentionally breaking the law. And it appeared to me that they were doing it to see what they could get away with. If I hadn't been there to file the Great Writ, my guy would be back in Somalia today. And I know there were other people who probably got deported because they didn't have access to a lawyer and didn't have a lawyer who was willing to jump into court and file a habeas petition for them.

It saddens me that we've come to this point in our country, but that's the big difference that I'm seeing right now between Trump 1.0 and Trump 2.0. In Trump 1.0, they learned “just break the law as fast as you can because there aren't going to be enough lawyers who are going to fight back.” And they learned to get rid of all the lawyers working for the government who weren't going to break the law. They decided to see what they could get away with. And that seems to be what's happening right now. It's unfortunate and it's sad for our country. And it's also very sad for the legal profession. I'll stop there.

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3. See *Temporary Protected Status*, USCIS (Feb. 13, 2026), <https://www.uscis.gov/humanitarian/temporary-protected-status> [<https://perma.cc/V7MX-GXPT>].

*The moderator inquires about the Alien Enemies Act: what it is, and in what context it has been used in the past compared to how it is being used now.*

**MARGARET STOCK:**

The short version is that it's a really old law that typically has been used when there's a declared war. Here's what's supposed to happen: There's a declaration of war—for example, when World War II got declared. We declared war on Japan. And Japanese citizens were then supposed to be given the chance to leave the United States. That's what's supposed to happen. So, if you declare there's a war, you say that we're invoking the Alien Enemies Act. If you're Japanese, you now have a chance to leave the country. And if you don't leave the country, we're going to grab you and lock you up because you're an alien enemy. That's what is supposed to happen—how it's supposed to be used.

However, the Administration has come up with this new creative theory that we are being invaded by Tren de Aragua, a gang, and the gang is apparently acting on behalf of a foreign government, which makes no sense, but that's the theory behind the new use of the law. They're invading us. So, anybody who's thought to be a member of Tren de Aragua can be locked up and deported. The thing they're missing in this is they're supposed to announce that we're at war with Tren de Aragua, so the Tren de Aragua members get a chance to leave the country on their own or essentially self-deport. But they didn't do that part of it, which is a little bit mystifying. Instead, they seem to be using the law as an excuse to deny due process to anybody who is thought to be a member of Tren de Aragua.

But as we're finding out, a lot of the people whom they grabbed under this theory didn't have anything to do with Tren de Aragua. And the other really bizarre piece about the whole thing is it's not clear that any actual Tren de Aragua members were sent by Maduro to attack the United States. You know, it's supposed to be a law that comes into effect when a foreign government is thought to be sending people to engage in warfare against our government. And that's clearly not what's been happening here.

Also, the odd thing about this new interpretation is you could use it for anything. I mean, it's being interpreted so broadly that you could declare that the Girl Scouts are, you know, enemy agents or something and deport every Girl Scout or you could declare any kind of group to be, you know, invading America somehow with their Girl Scout cookies and you're going to deport them now. And you're laughing, but there's no logic behind the interpretation of the law as it is. The law could be applied to

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any group of any kind that is thought to be hostile to the current regime. That's the short version.

*Another panelist agrees and emphasizes a lack of logic being used and describes how repetitive language over time in different contexts creates a fear among people that translates into a kind of created crisis.*

**MARGARET STOCK:**

It's "dehumanization of the other" you know—they're enemies, they're aliens, they're invading . . . you know it's like an invasive plant or an invasive bug or something that invaded and that you have to get rid of.

*The moderator highlights problems with finding a remedy for those deported under the Alien Enemies Act. Moderator emphasizes that even when a deportation is unlawful, the United States government refuses to bring individuals back.*

*Another panelist notes several troubling tactics being used to suppress student protestors and faculty, referencing personal experiences with clients. These tactics include retaliatory policies against non-citizens, financial and administrative pressures against citizens, strategic transfers of abducted individuals to sever access to family, legal counsel and favorable judicial circuits, and the normalization of due process violations.*

**MARGARET STOCK:**

It's black letter law—and I have a brief on this if anybody wants it—as long as you get the habeas filed before they leave the jurisdiction, the government has to bring them back. The court has jurisdiction. It doesn't matter where they ship them. But ICE is counting on people not being able to file a habeas before they're out.

If a client is actually in Louisiana before you filed a habeas, then you have to file the habeas in Louisiana. And they know that there are not a lot of lawyers in Louisiana. And they know that the detention centers are remote—you have to rent a car and drive out there, and there are all sorts of logistical hurdles. DHS knows that and that's why they like to ship everybody to Louisiana and Texas. Texas is the other favorite place they like to send people.

I've been doing this for more than thirty years and I've had them ship my clients from Alaska to all kinds of places because they figured I wasn't going to have the energy to file a habeas. As a lawyer now, I have to be ready if I think my client is going to be targeted. I must have my

habeas ready and get ready to file it as soon as they grab a person. And then if they want to ship them, fine, but they're going to have to bring them back [for the habeas hearing].

And that's what lawyers have to do. Over the years, I've had clients brought back from all kinds of different places because I have my habeas ready to go and just get it filed. And then the other thing I always do from a practical standpoint, I get the judge to sign an order to show cause that they can't be transported outside the jurisdiction during the pendency of the case. You don't have to have the "show cause" order signed before they're shipped out, but it helps when you hand a "show cause" order to an agent who's trying to put somebody on a plane, because they're going to be held in contempt of court if they move that person and put them on a plane after seeing the court order.

One time in my career, I had a federal judge threaten an immigration officer, who was a field office director, with jail if he didn't bring my client back within 48 hours to the state of Alaska. The judge put the government official on the witness stand and said, "Why did you transport Ms. Stock's client against my order?" And the field office director looked at the U.S. attorney and said, "The U.S. Attorney said we were going to appeal your order, Your Honor." The judge got really mad at that point and basically said, "You're going to jail if you don't get Ms. Stock's client back—in 48 hours. You've got to have her back here in Alaska." It's black letter law. But lawyers must have the habeas ready. If the client is still in the jurisdiction when you file it, they have to bring the client back.

*Another panelist examines the logistical and emotional toll of transfers on people in detention, pointing to problems faced by specific clients due to varying complications case to case. The moderator shifts to the broader stage, considering the increasing capacity and facilities for detention. The same panelist analyzes instances such as the 2021 legislative ban on immigration detention in New Jersey that was successfully challenged by CoreCivic, a private corporation, and struck down. The panelist also discusses the opening of Delaney Hall in Newark, New Jersey under the \$1.2 billion contract awarded to GeoGroup and subsequent local resistance, including Newark Mayor Ras Baraka's opposition.*

*The moderator asks if a specific correlation between creation of detention space and rate of arrests seems apparent. The panelist agrees that when space is made, it is filled. The panelist discusses disagreement within the immigrant rights movement: while local space keeps people near family, when local space is full it seems fewer arrests are made.*

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**MARGARET STOCK:**

Well, I think you have a look at the big picture here. Do you want your tax dollars spent, so many billions of dollars spent, on just locking people up, locking people up who haven't committed a crime, people who are harmless, who could be out there working and paying taxes? But this is big business. And years ago, there was a leak of some corporate memoranda where one of the private prison company executives was talking about how their profits were going to decrease in future years because the U.S. population was aging rapidly and they didn't have as many American citizen criminals to lock up because people tend to not commit so many crimes when they're older. Because there wasn't a young, youth age population out there committing crimes, that they were going to have a stock slide because there wouldn't be as many Americans whom they could lock up for criminal activity. So their only growth was immigration. And they wanted to lobby for tougher and tougher detention and tougher and tougher immigration laws so there would be more immigrants who could be locked up because they're making \$200 a day per head for locking people up. And they don't care, you know, whether it's morally correct to lock all these people up. It's big business, and I think that's a lot of what's going on in combination with the fact that obviously one of the big campaign promises the President made was he was going to deport a lot of people.

It makes good TV to have lots of people getting arrested and detained. It looks like you're being tough on immigration. The message is that immigrants are lawbreakers and they shouldn't be in the country, and this plays very well in certain circles. It's big business. What stymies me a little bit is this talk on the one hand about "We're going to cut the size of the federal government and we're going to get rid of Health and Human Services and USAID and all these other agencies," but also, "We're going to expand locking up people," which costs a ton more money than if you just let them loose and let them work and pay taxes and pay into Social Security and so forth. Locking people up is a dead weight loss to the economy. You're not being productive when you lock somebody up.

It's better for society if the person is working and is in a factory working than working as a correctional officer. Society's better off when you're making stuff and selling stuff rather than just locking people up and making money off locking people up.

*The moderator invites the panelists to share what is giving them hope in this moment.*

**MARGARET STOCK:**

Well, the math doesn't work, so this is not going to work in the long term. Mass deportation is a short-term thing that is, you know, we're about to see our economy go in the tubes, go down, you know, sink, there's not going to be money to pay for all this stuff.

The federal government is going to be paying out a lot of EAJA (Equal Access to Justice Act) fees to lawyers. And the Department of Justice is no longer going to be the premier law firm for the U.S. government. They will also lose a lot of cases because they're doing a bad job in court because they don't have good lawyers anymore because the good lawyers are all quitting.

So I don't think this is sustainable in the long run. I think it's going to be looked upon in the future as a bad moment in American history, but the long-term damage could be really significant. And I didn't mention this earlier, but I know you wanted me to talk about soft power.

The U.S. has prevailed as a superpower over the centuries more by soft power than by hard power. Hard power includes things like military tanks and weapons and bombs and so forth. And of course, we have a giant military and it's pretty good. But we've maintained our power in the world through soft power more than hard power. And we are destroying our soft power right now. We are just cutting our own power off right now. People no longer think that our government believes in the Constitution or the Declaration of Independence.

By the way, President Trump wants to celebrate the Declaration of Independence this year. I encourage everybody to go read it. In one part, the Declaration states, "He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither . . .". This is the immigration grievance against King George, which is a grievance that is well above the tax grievance. It's the number seven grievance. And the tax grievance is number 17. The tax grievance was way down the list.

We just cannot in the long run sustain this mass deportation effort, but we're losing a lot of our soft power because of it. People are going to turn to other countries. The foreign students in other countries are going to say, "I'm not going to go to school in America now." They're going to go to Canada. They're going to go to Australia. They're going to go to New Zealand. They're going to go to Italy, other countries, France. They will go to countries that still believe in these principles that we pioneered in the world. We're also spiting our allies. What good does it do

to call Canada names and act like the Canadians are enemies? That's just crazy.

Unfortunately, the destruction of our soft power is going to last for a while. It's going to take a wholesale rejection of a lot of the policies that are being deployed right now to get that soft power back. And the one thing that I don't think people noticed from the first Trump regime was that the demographics of our country changed dramatically under Trump 1.0. The birth rate was no longer above replacement birth rate among native-born Americans, and the birth rate dropped because immigrants weren't coming anymore. Trump 1.0 stopped a lot of legal immigration the first time around. And so it affected the demographics of our country radically. And we're going to see that again this time, but in spades. So we're going to have an older population, fewer workers, Social Security is going to be in trouble more than it was before because of this mass deportation. A lot of immigrants paying into Social Security never see the money. I think everybody knows that. If you deport them all, then they won't see the money, but you won't have it going in the system either. That said, I have some hope. I think we're doing a lot of damage and we may not be a superpower when this is all over. But maybe that's a good thing.

*The moderator invites audience members to ask questions.*

*An audience member notes a rather well worked-out provision in the Alien Enemies Act providing for the deportation of people who support terrorism and that the Supreme Court has held that "support" can include protected First Amendment activities. The audience member asks whether the panelist have any theories as to why the Trump administration is not making that argument.*

**MARGARET STOCK:**

Every executive order I see come out of the White House seems to have been written by a high school student. An example is the birthright citizenship order – go read it. It's bizarre. It has no intellectual foundation at all. It's as if somebody decided they don't like brown or Black people who have kids in America, so they're going to try to figure out a way to get rid of Kamala Harris and make her not an American again. The orders are all written badly. It's like nobody, no real lawyer wrote them—a real lawyer meaning somebody who actually researches the law and tries to figure out how to accomplish something within the bounds of the law.

So, they just got rid of all those people who followed the law because they felt that the people who were trying to follow the law during

Trump 1.0 were undermining what the president wanted to do. And I think a lot of this is “for the Base.”

It’s like the President has decided he’s going to throw meat to the masses in the Colosseum or whatever and people like this stuff. They like the theater, they like the news clips, and the Truth Social bursts and all that sort of stuff. I don’t know that they’re actually trying, as a serious intellectual matter, to accomplish things in a way that would make any sense.

*Another panelist provides a belief that a material support theory would fail. The panelist explains that the actual facts do not meet the legal threshold, and a focus on constitutional issues is being forced into the background.*

**MARGARET STOCK:**

And then they are still using the terrorism accusation to make their case. It’s just you’re seeing it more at the airports. They’ll ask somebody if they can look at their cell phone. And if they have a picture of some Hamas demonstrators on their cell phone, they’re getting kicked out and you’re just not hearing about that for the most part. I’ve seen an uptick in that kind of stuff going on. But people often don’t get lawyers and many times they have no entitlement to be in America so they’re just getting kicked out at the airport. You should be really careful, by the way, if you’re carrying any electronics at the airport. You don’t want to have any New York Times articles with pictures of demonstrators on your phone because they consider that to be supporting terrorism if you have that type of news article on your phone.

*A new audience member asks, as a practical matter, what advice to give to loved ones about what they can and cannot do to stay safe with regard to protests and social media. The audience member discusses concerns about privilege to speak up and inquires about where the line is between security and advocacy.*

**MARGARET STOCK:**

Well, I think it is a hard question, and it’s a hard question but pretty obvious what the answer should be right now. If you’re an immigrant, you are in a danger zone right now in the United States of America. And you have to be really careful what you say on social media, because anything you say can and will be used against you by the Trump administration.

And unfortunately, they have not put up a list of the positions that you’re allowed to take. You know, that’s one of the big loopholes or omissions, I guess, their list of things that you are and aren’t allowed to

say apparently changes from day to day. It's a moving target. So there's no safe space where you can say certain things and you're not going to get in trouble other than, "Yes, Mr. President, we think you're doing a great job." You're probably okay there.

They are looking at social media. They're also misinterpreting people's social media. The good news is they can't get everybody. There are too many people and there aren't enough government agents to check everybody's social media. But if you're the poor guy who got picked, then you're going to be in trouble, so it is probably time to lay low. But you can do a lot of things that I think are effective despite not wanting to be active on social media. You can get your American citizen friends to write letters. You can encourage all your American citizen friends to install the Five Calls app on their phone and when they wake up in the morning, they should make those five calls. You know, it's an app. The app makes it really easy to call your congressional representatives and your senators and express your opinion on things. Everybody knows about that app, right?

So write letters and get your American citizen friends to write very reasonable letters to the editor. Don't engage in ad hominem attacks. Just be reasonable and logical. Protest. As long as it's peaceful, it's still allowed. But if you're an immigrant and you get your picture in the paper, you might find yourself rounded up. So get your American citizen friends to go do the protesting.

*Another panelist acknowledges the lack of guarantee of safety as the government pushes the limits of enforcement. The panelist discusses how many people choose to speak up despite danger, but that this is also a very individualized choice and that this reality is a rather disturbing aspect of the current climate.*

*A new audience member asks what the panelists fear will happen further down this road of immigration enforcement.*

**MARGARET STOCK:**

I'm personally really worried about it because of the Roberts immunity decision. I'm old enough to have lived through Watergate and the immunity decision there and I just never thought the Supreme Court was going to change the rule on that.

They were obviously enabling the president of the United States, should he get reelected, to do whatever he wanted. And the bad things that Trump 2.0 is doing were totally predictable. I'm worried that they're going to do the same thing with other issues that are obvious and shouldn't be happening. So I'm very worried about it because, you know,

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the old saying, “If you don't like the judge's order, let him enforce it,” you know, right? We rely on the executive branch to enforce the orders of the judiciary and if the executive just refuses to do so, how are the judges going to enforce them? They can't. I think it's really concerning right now.

That's not hopeful, though.