

Immigration Law: Syllabus Supplements

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Editor's Note: This immigration law syllabus supplement offers curated articles from Just Security's archives, intended to be combined with traditional casebooks and other materials in a law school or other higher education classroom setting where recent immigration events are relevant. The selections have been curated to reflect recent, compelling illustrations of core immigration topics that are likely to lead to rich classroom discussion (last updated August 2026; additional relevant analysis may also have been published since then, available on Just Security's [website](#)). As with all articles on Just Security, the articles represent the views of the individual authors.

Each section is sequenced to begin with articles that have a broader focus or that otherwise provide background information, and then to move to more specific examples within the topic.

Proposed discussion prompts are offered for each article.

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I. Executive, Congressional, and State Authorities

1. Chris Hardee, [The Deeper Problem with ICE's Arrest Warrants](#) (March 2026)

Discussion prompt(s):

- i. Take on the role of staff to a member of Congress. To mitigate risks of arbitrary arrest and detention raised by DHS's use of administrative arrest warrants, what specific changes would you recommend to the current framework? Would you focus at the statutory level, regulatory, both, or neither? Why? What are the best arguments in support of your proposed changes, and the best counterarguments against?

2. JoAnna Suriani, [Confrontation in Court: How to Hold the Trump Administration Accountable for Violating Court Orders](#) (February 2026)

Discussion prompt(s):

- i. What do you make of the strategy to force federal agency compliance with court orders by calling senior officials to appear in court and provide testimony? What are the strengths of this approach? What are the risks and downsides? How might you propose overcoming the latter?
- ii. Similarly, what do you make of the strategy to encourage compliance with court orders by ensuring transparent information is conveyed to the public regarding federal agencies' failure to comply? What are the relative strengths and weaknesses of this strategy? Are there other strategies you might also consider useful in enforcing executive branch compliance with court orders?

3. Jonathan Wroblewski, [The New Civil Rights "Backstop": How DAs and AGs Can and Must Investigate ICE Abuses](#) (January 2026)

Discussion prompt(s):

- i. What are the most significant barriers to state and local prosecutors' ability to hold federal government officials to account for civil rights violations? What, in your opinion, are the best courses of action for state and local officials to pursue in support of federal officials' compliance with state law, and accountability for when it has been violated?
- ii. What specific initiatives might you recommend for civil society seeking to effectively support state and local officials seeking accountability for federal government officials who fail to comply with the law? Do you identify any limits to what civil society can accomplish in this regard? What other courses of action, by which actors, might you recommend? What recommendations would you oppose?



4. **Matthew Ruppert & Spencer Reynolds, [Defending 'Sanctuary' Principles During the Chicago Crackdown](#) (November 2025)**

Discussion prompt(s):

i. Articulate the legal framework applicable to state and city decision-making on providing assistance to federal agents, including both for purposes of immigration enforcement and in relation to management of protests. What sources of law are most relevant to this framework? With this legal framework in mind, take on the role of a state-level assistant attorney general, and make the strongest legal argument you can in support of state and city "sanctuary" policies. Now make the strongest counterarguments that you can, and identify any possible rebuttals. What do you take from this exercise?

5. **Camille J. Mackler, [Immigration Policy Before and After 9/11: From the INS to DHS - Where Did We Go Wrong?](#) (September 2021)**

Discussion prompt(s):

i. This article raises a number of continually relevant changes that were made to U.S. immigration policy following 9/11. What implications did those changes have for subsequent policy-making related to immigration, including recent policy changes?

ii. Which, if any, additional reforms to DHS and its authorities would you recommend, beyond those offered by the author of this article? Do you identify any limitations or challenges raised by the reforms suggested by the author? How might you overcome them?

6. **Ryan Goodman, [Understanding DHS's and ICE's New Powers in Comparative Perspective](#) (July 2025) (Note: The full podcast by David Aaron and Steven Cash, highlighted in this article, may be found [here](#))**

Discussion prompt(s):

i. Why might intentional inefficiencies in the DHS infrastructure be a positive? Conversely, what costs might this pose? To whom?

ii. How do you evaluate the pros and cons of having only certain components of ICE engage in regular law enforcement activity? Are there benefits to limiting the law enforcement authorities of these entities? What are potential downsides?



7. **Andy Wright and Tara Ganapathy, [Three Thorny Issues to Watch in Congressional Investigations](#) (August 2025) (Read the immigration section, specifically)**

Discussion prompt(s):

- i. In light of the complex public-private nature of congressional offices, should DHS be able to access congressional offices without a warrant or consent by the relevant member of Congress, when carrying out activities otherwise within their authority? What are the best arguments for and against this degree of access?
- ii. In the context of DHS denial of access to ICE field offices by members of Congress, how do you view the current balance between congressional oversight and the executive's legitimate interest in minimizing operational disruption and executing its policies? What are the most effective arguments that DHS can restrict congressional access to ICE field offices, and what are the most effective arguments that it cannot?

8. **Nikhel Sus, [Why Trump v. Anderson Undermines State Efforts to Hijack Immigration Enforcement](#) (May 2024)**

Discussion prompt(s):

- i. Are there any arguments that States *should* have the ability to direct immigration enforcement within their territory? What would need to be true for States to have a cognizable authority to do so? What might be the risks, and potential benefits, of this level of State authority pertaining to immigration (especially any issues that are additional to those covered in the article)?

9. **Lucas Guttentag, [The President and Immigration Law: The Danger and Promise of Presidential Power](#) (October 2020); Nicholas Espíritu, [The President and Immigration Law Series: Executive Power Beyond Enforcement](#) (October 2020)**

Discussion prompt(s):

- i. These pieces from 2020 raise a number of separation of powers issues that may remain relevant today. How do you evaluate the balance of congressional, executive, and judicial authorities in the current U.S. immigration framework, in light of some of these enduring considerations? Is reform needed? If so, what changes would you make, and what effect would you anticipate those changes to have? What are the potential drawbacks or limitations to those changes?



II. Admission to the United States

1. Lucas Guttentag, [Abandoning Principles: Unpacking the Supreme Court's *Mullin v. Al Otro Lado Denying Asylum to Arriving Migrants*](#) (June 2026)

Discussion prompt(s):

- i. The majority and dissent in *Mullin v. Al Otro Lado* offer sharply different readings of the statutory text, particularly the phrase “arrives in the United States.” What are the strongest cases available for each reading (and Justice Clarence Thomas’s concurrence), and what are the strongest counterarguments for each? Where do you find the more persuasive statutory analysis, and why?
2. Bill Frelick, [The Racial Twist in Trump's Cutoff of Refugee Admissions](#) (February 2025)

Discussion prompt(s):

- i. Should executive powers regarding refugee admissions be reformed? How much discretion should the executive have when determining which populations to prioritize for resettlement? Are there any downsides to a legislatively prescriptive framework? Of the reforms you’ve identified, which would you prioritize, and why? How feasible do you evaluate those reforms to be?
3. Rebecca Hamilton and Jon Temin, [Visa Revocations Disregard South Sudan War Risks, Overlook U.S. Communities' Embrace of Refugees](#) (April 2025)

Discussion prompt(s):

- i. Should there be any limitations to the Secretary of State’s authority to revoke visas, and/or any additional oversight over this authority? Which limitations and/or oversight would you recommend, and by which entities or institutions? Are there any legitimate reasons why the Secretary of State *should* have discretionary authority over visa revocation?
4. Chris Purdy, [US is Finally Aiding Stranded Afghan Allies, But Congress Needs to Step Up](#) (August 2024); Susan Akram, [Abandoning Afghan Allies: The Latest Chapter in Shameful History of US in Afghanistan](#) (August 2021)

Discussion prompt(s):

- i. Although the landscape regarding Special Immigrant Visas (SIVs) has [altered](#) considerably since these articles were published, challenges with SIV processing



have been consistent since the initiation of the program and are likely to persist under future administrations. What are the relative values and challenges to codifying executive decisions regarding SIVs via legislation, as Chris Purdy suggests Congress ought to have done in 2024? In light of the problems identified by the authors of these two articles, what reforms to the program writ large would you recommend Congress consider, to address the systemic challenges faced by applicants?

5. Adam Keith, [*Shaming without Naming: The Limits of Anonymous U.S. Visa Sanctions for Accountability*](#) (January 2024)

Discussion prompt(s):

- i. Do you agree that Congress should legislate an exception that permits the State Department to publicize individuals that have been subjected to a 3(C) visa denial? Can you think of any arguments as to why the State Department should *not* have the discretion to make such disclosures? What, if any, are the benefits to non-disclosure? Could there be any privacy interests at play, for instance?

6. Priya Morley, [*AI at the Border: Racialized Impacts and Implications*](#) (June 2024)

Discussion prompt(s):

- i. What are the benefits and costs of utilizing AI (or other technology) in border enforcement activities? Recognizing that technological development and its proliferation throughout various government functions is highly likely to persist, are there ways to realize the benefits while minimizing the costs? What preconditions would be necessary for that to be true? Are there any technologies that should be outright banned from use in immigration enforcement?

III. Non-Citizens in the United States

1. Lucas Guttentag, [*Sanitized and Unreviewable: Unpacking the Supreme Court's Mullin v. Doe on Ending Temporary Protected Status for 1.3m Noncitizens*](#) (June 2026)

Discussion prompt(s):

- i. Tackle the issue of reviewability in *Mullin v. Doe*. What, in your view, are the strongest arguments that a prohibition on the judicial review of a “determination” encompasses the predicate steps leading to a final decision? What are the strongest arguments against? What are the biggest implications of each reading, both for TPS and for judicial review of executive discretion more broadly?



2. Nancy Morawetz, [*In Blanche v. Lau, the Supreme Court Rewards the Solicitor General's Bait-and-Switch at Green Card Holders' Expense* \(June 2026\)](#), and Nancy Morawetz, [*Improvidentally Granted: The Sleeper Supreme Court Case Affecting the Rights of 12.8 Million Green Card Holders* \(April 2026\)](#)

Discussion prompt(s):

- i. How do you assess the government's arguments in *Blanche v. Lau*? What about the government's treatment of the record most stands out to you, and why? How do you view the merits, including at which juncture DHS must have an evidentiary basis for placing a lawfully permanent resident into parole and removing their green card? What do you make of the Supreme Court's June 2026 decision, including its willingness to consider arguments not previously made by the government at the lower court or in its certiorari papers?

3. Nancy Morawetz, [*The Immigration Registration Trap Goes Live* \(April 16, 2025\)](#)

Discussion prompt(s):

- i. How does the interim final rule (IFR) requiring non-citizens to register with the government potentially impact U.S. citizens, even though it appears facially to focus on non-citizens?
- ii. Do you agree with the author that DHS's argument that it is implementing the 1940 statutory provision regarding registration is weak, and that notice and comment rulemaking ought to be required? What are the benefits or potential drawbacks of ensuring a notice and comment period takes place?

4. Ahilan Arulanantham and Adam Cox, [*Explainer on First Amendment and Due Process Issues in Deportation of Pro-Palestinian Student Activist\(s\)* \(March 2025\)](#)

Discussion prompt(s):

- i. In the context of Nationality Act (INA) section 237(a)(4)(C), how should concepts like "potentially serious adverse foreign policy consequences" and "compelling United States foreign policy interest" be understood? Should there be any limitations on how those concepts can be interpreted and applied? If so, how should those limitations be established, and by whom? The judiciary, via review of the "void for vagueness" problems raised by this section of the statute? Congress, via legislation to amend the INA? The executive itself, via internal statutory interpretation or policy guidance? What are the pros and cons to these various approaches?



5. Edgar Chen, [With New “Alien Land Laws” Asian Immigrants Are Once Again Targeted by Real Estate Bans](#) (May 2023)

Discussion prompt(s):

- i. So-called “alien land laws” continue to raise thorny issues in the context of immigration. How would you balance the policy concerns referenced in the article, with the risk of constitutional violations and potential discriminatory enforcement? What other methods might be used to address these purported national security or other concerns? How does this article inform your thinking on the relationship between immigration and national security?

IV. Birthright Citizenship

1. Ilya Somin, [Birthright Citizenship and Undocumented Immigrants](#) (November 2024)

Discussion prompt(s):

- i. What do you make of the various arguments for and against considering the children of undocumented immigrants as “subject to the jurisdiction” of the United States? Are there any arguments for or against this that were not addressed in the article?

2. Edgar Chen and Chris M. Kwok, [The Trump Administration’s 14th Amendment Retcon: ‘Wong Kim Ark’ Does Not Limit Birthright Citizenship](#) (March 2025)

Discussion prompt(s):

- i. What strikes you as the strongest argument that *United States v. Wong Kim Ark* does not limit birthright citizenship in the manner claimed by the Trump administration? Are there any weaknesses to this argument? Are there any potential arguments in addition to those offered in the article?
- ii. What do you make of the concept of “allegiance” in the context of U.S. citizenship? Setting aside which markers ought to demonstrate “sufficient” allegiance to the United States, is this an appropriate analytical lens for consideration of who ought to be eligible for citizenship at all, and if so, under what circumstances?



3. **John Mikhail**, [*Birthright Citizenship and DOJ's Misuse of History in Its Appellate Briefs*](#) (April 2025)

Discussion prompt(s):

- i. Utilizing the same historical sources cited in DOJ's appellate brief, what are the core arguments in opposition to the Executive Order limiting birthright citizenship? Are there any arguments you can identify that the authors did not include in their article?
- ii. Is it possible to square the concept of "primary allegiance" that DOJ references in its brief with the fact that the United States recognizes dual citizenship? If you were arguing on behalf of the government, how would you define what constitutes "primary" allegiance? Now, take the position of opposing counsel. What are the problems with, and consequences of, the arguments that you advanced on behalf of the government?

4. **Kristin A. Collins, Gerald Neuman & Rachel E. Rosenbloom**, [*Another Reason Trump's Birthright Citizenship Order is Unlawful*](#) (May 2025)

Discussion prompt(s):

- i. Are there any readily-available counterarguments to the birthright citizenship statute argument detailed by the authors of this article? What are the relative strengths and weaknesses of the arguments that it violates the Constitution, versus that it violates the birthright citizenship statute? Why do you think that the statutory argument has received less attention?

5. **Melissa Stewart**, [*Trump v. CASA and the Risk of Statelessness*](#) (July 2025)

Discussion prompt(s):

- i. What processes could reasonably be put in place to protect individuals at risk of statelessness? Are there vulnerabilities in leaving any such protections to executive branch policy-making? Should there be legislation to provide some degree of protection, as suggested by the authors? What should such legislation strive to do? Are there any constraints on what can be solved via congressional action, in your view?
- ii. What problems are raised by the lack of a clear definition of a "stateless person" in U.S. law?



V. Detention and Removal

A. Use of Military in Internal Immigration Enforcement

1. Scott Levy & Kevin McNellis, [*The Army Clause: A Forgotten Constitutional Check on ICE, CBP, and the Pentagon*](#) (February 2026)

Discussion prompt(s):

- i. How do you read the text of the Army Clause, including its application to various militarized federal agents other than the Army itself? What are the strongest interpretive arguments in support of its broad application to any “permanent, centralized coercive force under executive control,” and the strongest arguments against? Do you see this differently when applied to DOD as opposed to CBP and ICE? Why or why not?
 - ii. What options for enforcing the “two-year rule” under the Army Clause do you find most compelling, and why? What limitations or challenges might those options encounter, and how would you overcome them?
2. Elizabeth Goitein, [*Trump v. Illinois: A Narrow Supreme Court Decision with Broad Implications*](#) (January 2026)

Discussion prompt(s):

- i. Compare the two options identified by the article as potential avenues for the executive branch to attempt to deploy federal forces, following the Supreme Court ruling in *Trump v. Illinois*: (1) the deployment of active duty forces under Article II authority, and (2) the invocation of the Insurrection Act. What is your view of the legal grounding of each of these options, particularly in light of the *Trump v. Illinois* ruling? If you were a lawyer in the Pentagon, what advice would you give on the available use of the “protective function” for deployment of U.S. troops after *Trump v. Illinois*?
3. Mark Nevitt & Margy O’Herron, [*Soldiers in Robes: Why Military Lawyers Can Not and Should Not Serve as Immigration Judges*](#) (November 2025), and Steven Lepper, [*Hypothetical Legal Review on Judge Advocates Serving as Immigration Judges*](#) (December, 2025)

Discussion prompt(s):

- i. Taking both the article by Nevitt and O’Herron and the hypothetical legal review by Lepper together, assess the various concerns raised by each author regarding the appointment of JAGs as temporary immigration judges. Which do you find the most compelling from a legal perspective? From a policy perspective? If you were an



executive branch lawyer, how would you frame these issues to give the best legal advice possible to a policy client who favors making the appointments?

4. **William Banks and Mark Nevitt, [The Mounting Crisis of Militarizing Immigration Enforcement](#) (June 2025)**

Discussion prompt(s):

- i. In your view, what are the most compelling problems raised by 287(g) agreements? Are there any reforms that could adequately address those problems? Conversely, are there any advantages or benefits to 287(g) agreements, such that they should be maintained?
- ii. How do the recent signings of 287(g) agreements contrast to previous signings under the Bush and Obama administrations? What is the relevance of any significant differences?

5. **Steve Vladeck and Ryan Goodman, [Posse Comitatus Act Meets the President's "Protective Powers": What's Next in Newsom v. Trump](#) (June 2025); Elizabeth Goitein, ["The Insurrection Act" by Any Other Name: Unpacking Trump's Memorandum Authorizing Domestic Deployment of the Military](#) (June 2025)**

Discussion prompt(s):

- i. How are immigration policy disputes being utilized to drive increased militarization of law enforcement activity, or otherwise expand heightened theories of executive authorities in this context? Is there ever a time when it is appropriate to utilize the military for law enforcement purposes? What are the risks in doing so?

6. **Ryan Goodman, David Aaron, Mark Nevitt, [What Just Happened Series: Potential U.S. Military Domestic Deployment for Immigration Enforcement - The Just Security Podcast](#) (January 2025)**

Discussion prompt(s):

- i. How well does the Posse Comitatus Act help us distinguish between law enforcement functions and military functions, and what are its limitations in doing so? What impacts does this have on immigration enforced in the United States, currently and hypothetically?
- ii. Does the Insurrection Act have a place in modern immigration enforcement? Should it be amended, and if so, how?



B. Use of Military in Border Enforcement

1. Mark Nevitt, [The New “National Defense Area” at the Southern Border](#) (April 2025)

Discussion prompt(s):

- i. Is reforming the National Emergencies Act necessary and, if so, in what ways? For instance, should the ability of the executive branch to bypass congressional approval for certain actions during a national emergency be restricted in some way? Or should the circumstances in which the president declares a national emergency at all be circumscribed? Why might the drafters of the legislation have originally provided for exceptions to congressional approval upon the declaration of a national emergency?
 - ii. In what ways can we understand the (possibly purposeful) ambiguity of the military purpose doctrine regarding national security, and its concomitant effects on immigration? Should the military purpose doctrine be reimagined? How so?
2. William Banks, [Expert Backgrounder: Federalizing the National Guard and Domestic Use of the Military](#) (February 2024)

Discussion prompt(s):

- i. Should Congress establish heightened limitations on presidential discretion in the Insurrection Act? What limitations would you propose, and how effective do you anticipate these limitations would be? What problems might remain, if any, and how might you address those?

C. Detention

1. Margy O'Herron, [Big Budget Act Creates a ‘Deportation Industrial Complex’ That Will be Hard to Dismantle](#) (August 2025)

Discussion prompt(s):

- i. If you were to reapportion the budget for immigration-related activities, how would you apportion funds, and for what reasons? Which immigration efforts should receive the most funding, and why? Or, should immigration-related funding be reallocated to another executive branch initiative entirely? What would be the benefits and drawbacks of doing so?



2. Jonathan Hafetz and Rebecca Ingber, [What Just Happened: At Guantanamo's Migrant Operation Center](#) (February 2025)

Discussion prompt(s):

- i. Do individuals held at Guantanamo for immigration enforcement purposes have the same constitutional rights, such as due process, access to counsel, and habeas protections, as those held within continental United States? Should they? What implications does this have for other U.S. legal positions, such as in the DOD law of war detention context where the United States has taken the position that Guantanamo is not the United States and that U.S. law does not apply there?

3. Just Security, [Series: Executive Order 9066](#) (February 2022)

Discussion prompt(s):

- i. In reflecting on Executive Order 9066 and considering contemporary issues in immigration regulation and enforcement in the United States, what actions would you advocate should be taken now, and by whom, to incorporate the lessons from history into law, policy, and public discourse in a way that meaningfully mitigates the abuse of national security authorities? What lessons from Executive Order 9066 do you think are most at risk of repeating (or already are), and what implications does that have for the current legal infrastructure in which national security authorities are exercised?

D. Deportation

1. Non-Refoulement

1. Anjli Parrin & Savi Arvey, [US-Central African Republic Deportation Agreement Escalates Attack on Immigrants](#) (June 2026)

Discussion prompt(s):

- i. In light of conditions in the Central African Republic (CAR), assess the potential legal risks to the United States in undertaking third-country deportations to this country, including under the Immigration and Nationality Act, the Foreign Affairs Reform and Restructuring Act, treaty obligations such as those in the Convention Against Torture, and the U.S. Constitution. What are the best legal arguments in relation to the lawfulness of the deportations, in your view?



2. **Scott Roehm & Rebecca Ingber, [In Congress, a Welcome, But Flawed, Step to Stop Trump's Transfers to Torture](#) (May 2025)**

Discussion prompt(s):

- i. Why is it important for Congress to be specific about the kind of information it seeks from the State Department regarding El Salvador's human rights records, U.S. work to promote human rights in that country, and U.S. efforts to remedy rights violations associated with transfers? What would the categories of information detailed by the authors allow Congress to more effectively do?
- ii. In addition to (or perhaps instead of) 502B resolutions, are there more systemic approaches to Congressional oversight over U.S. security assistance and the conditions in the countries which receive it that you might recommend? What would those be, and how would they be an improvement over the current 502B framework?

3. **Rebecca Ingber and Scott Roehm, [The Trump Administration's Recent Removals to El Salvador Violate the Prohibition on Transfer to Torture](#) (March 2025)**

Discussion prompt(s):

- i. Can you make an argument for why it is in the national security interests of the United States to adhere to the law regarding non-refoulement? What core U.S. objectives does compliance with this requirement potentially advance?
- ii. Is a violation of non-refoulement ever justified? Why or why not, and under what circumstances?

4. **Oona A. Hathaway, Mark Stevens, and Preston Lim, [COVID-19 and International Law: Refugee Law - The Principle of Non-Refoulement](#) (November 2020)**

Discussion prompt(s):

- i. Although the overt emergency raised by the COVID-19 has largely passed, questions regarding the limits that public crises can and should be able to place on international legal obligations remain highly relevant. How should governments balance the exigencies of extreme public health or other significant crises, on the one hand, and the requirements of international law that may be in tension with certain efforts to mitigate such a crisis, on the other hand? Should international law account for such circumstances in some way that it currently does not? What would be the risks of doing so?



2. Punishment and Constitutional Limits

1. **Ahilan Arulanantham**, [Deportation to CECOT: The Constitutional Prohibition on Punishment Without Charge or Trial](#) (April 2025)

Discussion prompt(s):

- i. What circumstances of incarceration would *not* constitute punishment, under current conceptions of the law? Are these circumstances appropriate, or would you argue for a differing approach? If so, why?
 - ii. Are there circumstances when incarceration without trial is justifiable, in the context of immigration enforcement? Why, or why not? Do the transfers to CECOT constitute such a circumstance?
2. **Frank O. Bowman III**, [Immigration Is Not an “Invasion” under the Constitution](#) (January 2024)

Discussion prompt(s):

- i. What do you make of the constitutional, caselaw, and non-immigration arguments regarding the use of the word “invasion” in the context of immigration levels? Are there any additional arguments (or counterarguments) that might also be available, in addition to those raised in the article? Are there any limitations to the arguments you identified?
- ii. What do you think the greatest risks of framing immigration as an “invasion” are, and why? Is there potential for any unintended consequences?

E. Special case study: Alien Enemies Act

1. **Rebecca Ingber**, [Judicial Deference and Presidential Power Under the Alien Enemies Act](#) (May 2025)

Discussion prompt(s):

- i. Is a finding that the president’s factual determinations are not judicially reviewable supportable under the political question doctrine? Why or why not? What are the risks to this approach, and when (if ever) might there be justification for it?
- ii. How has the March 2025 invocation of the AEA differed from prior invocations of the authority? What relevance do any of these differences have, if any, for our understanding of its March 2025 use?



2. **Ryan Goodman**, [*The Absence of “State Secrets” in US-El Salvador Agreement: On Removal and Imprisonment of Non-US Citizens*](#) (May 2025)

Discussion prompt(s):

- i. The DC Circuit states in the decision in *Ellsberg v. Mitchell* that “the privilege [of State secrets] may not be used to shield any material not strictly necessary to prevent injury to national security.” If U.S. officials had not shared so much information publicly about the United States-El Salvador arrangement (or the State secrets argument was otherwise stronger), would there be legitimacy to the national security argument in the case of transferring non-U.S. citizens to El Salvador? Why or why not?

3. **Marty Lederman**, [*Remarkable Things in the Government’s Alien Enemies Act Briefs to the Supreme Court*](#) (April 2025)

Discussion prompt(s):

- i. Does the government’s position regarding habeas petitions in the context of removals made under an invocation of the Alien Enemies act violate the 5th Amendment’s Due Process Clause? How or how not? Are there specific aspects of the government’s arguments regarding habeas petitions that you find more or less problematic than others?
- ii. Which of the author’s arguments do you find the most compelling, and why? Can you think of any counterarguments, and any responses to those counterarguments?

4. **Katherine Yon Ebright**, [*The Courts Can Stop Abuse of the Alien Enemies Act - the Political Question Doctrine is No Bar*](#) (March 2025)

Discussion prompt(s):

- i. Should there be additional checks on the president’s ability to invoke the Alien Enemies Act? In light of the political question doctrine, is it more appropriate (or potentially more effective) for the judiciary or for Congress to serve as a check? Why, and in what ways might each institution best do so? What are the limitations of either institution’s ability to do so?

