

# White House adviser Stephen Miller: Trump could suspend habeas corpus unless courts “do the right thing”

Kevin Reed  
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The Trump administration’s erection of the framework of a dictatorship reached an ominous new stage on Friday, as senior adviser Stephen Miller announced the White House is “actively looking at” suspending the writ of habeas corpus, a foundational safeguard against arbitrary detention dating back to the Magna Carta of 1215.

Miller declared to reporters outside the White House:

The privilege of the writ of habeas corpus can be suspended in a time of invasion. So, it’s an option we’re actively looking at. Look, a lot of it depends on whether the courts do the right thing or not.

Miller’s comments came amid mounting anger within the Trump administration over a series of court rulings that have blocked or delayed the deportation of non-citizens, particularly those accused, often with no evidence, of being associated with the Venezuelan gang Tren de Aragua.

Two separate federal judges, including one appointed by Trump, recently ruled that the administration’s use of the Alien Enemies Act to justify these deportations was unlawful, finding no credible evidence that the United States is being “invaded” by the gang.

Miller stated that the administration’s decision on whether to suspend habeas corpus would come down to whether the courts “do the right thing or not.”

In other words, the White House is openly threatening to suspend key constitutional protections unless the judiciary ceases to rule against it.

The Trump administration’s threat to suspend habeas corpus comes amid a broader campaign to expedite the deportation of non-citizens with little or no due process.

Habeas corpus has become a crucial tool for migrants and their advocates to challenge these detentions and deportations. Multiple court cases contesting the administration’s efforts to deport undocumented immigrants are grounded in habeas claims.

The significance of habeas corpus, and the administration’s hostility to judicial oversight, was underscored this week by the case of Rümeysa Öztürk, a Turkish Ph.D. student at Tufts University.

Öztürk was detained by ICE in March after authoring an op-ed critical of Israel in her school newspaper. Her video-recorded apprehension by masked federal agents was a turning point in the administration’s crackdown on foreign students for pro-Palestinian activism.

US District Judge William Sessions III ordered Öztürk’s immediate release, ruling that her detention was unlawful and appeared to be a violation of her free speech and due process rights. “Her continued detention cannot stand,” Sessions wrote, emphasizing that there was no evidence against Öztürk beyond her authorship of the op-ed.

The judge warned that the administration’s targeting of Öztürk could have a chilling effect on the speech of “millions and millions” of non-citizens. Sessions further noted that Öztürk faced significant health risks in ICE custody due to her chronic asthma, which had worsened since her detention.

The Justice Department argued that Sessions had no authority to order Öztürk’s release, insisting that immigration enforcement falls within the exclusive

purview of the executive branch. White House Press Secretary Karoline Leavitt echoed this position, stating, “We’ve made it very clear that lower-level judges should not be determining the foreign policy of the United States.”

Secretary of State Marco Rubio, who had revoked Ozturk’s visa, asserted that her presence in the country was contrary to American foreign policy interests, despite the absence of any evidence of criminal conduct or association with terrorism.

The Öztürk case illustrates precisely why the Trump administration is so determined to curtail habeas corpus and judicial review. Öztürk’s attorneys filed an emergency habeas petition, arguing that her detention was unlawful and violated her constitutional rights. Judge Sessions’ ruling in her favor is a direct rebuke to the administration’s claim that it can detain and deport non-citizens at will, without meaningful judicial oversight.

The administration’s invocation of “invasion” as a pretext for suspending habeas corpus is particularly revealing. There is, in fact, no “invasion” of the United States. The administration’s use of emergency powers is being justified on the basis of an entirely manufactured crisis, a means of circumventing legal and constitutional constraints on its authority and laying the basis for arresting anyone, including US citizens, for making statements or actively opposing its policies.

By framing the judiciary as an enemy of both the executive and legislative branches, Miller and the administration are laying the groundwork for an authoritarian regime in which the president is accountable to no one.

The consequences for democratic and constitutional government are profound. The suspension of habeas corpus would not only allow the administration to detain and deport non-citizens without judicial review; it would set a precedent for the arbitrary detention of anyone deemed a threat to the regime.

The Trump administration is facing a deepening economic crisis and mounting social opposition, and is preparing the machinery of repression not only against immigrants, but against the entire working class.

The defense of democratic rights cannot be entrusted to the Democratic Party or the courts, which have repeatedly shown themselves unwilling or unable to

resist the onslaught of authoritarianism and the fascists in the White House. Only the independent mobilization of the working class, united across all lines of race, nationality and immigration status, can halt the drive toward dictatorship and defend the basic principles of democratic rights.

The *World Socialist Web Site* calls on workers and youth everywhere to oppose the Trump administration’s assault on habeas corpus, judicial independence and the rule of law. The fight to defend democratic rights is inseparable from the struggle against capitalism and for socialism.



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