

Foreign War Against Americans

Cowdrey

A Fact-Based Examination of *CLINIC v. Rubio*

11. The Judge: Jeannette A. Vargas

Judge Jeannette A. Vargas is a U.S. District Judge for the Southern District of New York. She presided over *Catholic Legal Immigration Network, Inc. v. Rubio*, No. 1:26-cv-00858.

On **August 21, 2026**, Judge Vargas issued a 61-page decision concerning the Trump administration's suspension of immigrant-visa processing for nationals of 75 countries. She ruled that the policy was **"contrary to law"** and had been issued in excess of Secretary of State Marco Rubio's statutory authority.

The ruling did not merely provide relief to the individual plaintiffs. Judge Vargas **vacated the policy itself**, meaning the nationality-based suspension was set aside rather than simply being enjoined as to the plaintiffs. She also directed the government to revisit visa refusals based solely on the challenged policy.

12. What Judge Vargas Decided

The central issue was whether the Secretary of State could impose a categorical suspension of immigrant-visa processing based on the applicant's nationality.

The administration argued that the policy was justified by concerns that immigrants from the affected countries presented an elevated risk of becoming a "public charge."

Judge Vargas rejected the government's interpretation of its authority. Her decision concluded that federal immigration law established an individualized visa-adjudication system and that the Secretary of State could not replace that system with a blanket nationality-based prohibition.

The court therefore found that the State Department had exceeded the authority Congress had granted to it.

13. Judge Vargas's Background and Appointment

Judge Vargas is a **Biden administration judicial appointee**. Contemporary reporting on the August 21 decision identifies her as a Biden appointee serving on the federal bench in Manhattan.

That political history is relevant context when examining the broader political controversy surrounding the decision, but it should **not** be treated as evidence that she ruled improperly or on behalf of a political organization.

A judge's appointment by a particular president does not establish that the judge is controlled by that president, a political party, an advocacy organization, or a foreign government.

14. Questions Worth Investigating

If this project is intended to examine whether there was coordinated political, organizational, or foreign influence surrounding the case, Judge Vargas should be examined separately from the plaintiffs.

The appropriate questions include:

- Who appointed Judge Vargas?
- What was her professional background before becoming a federal judge?
- What organizations did she work for?
- What cases did she handle before this case?
- Did she have previous professional relationships with CLINIC, ACT, or their attorneys?
- Did she have financial, familial, or organizational relationships with any plaintiff or counsel?
- Were any recusal motions filed?
- Did either side allege a conflict of interest?
- What precedent did Judge Vargas rely upon?
- Did other federal judges reach similar or different conclusions concerning the same Trump immigration policies?
- What happens to the decision if the government appeals?

These questions can be investigated through judicial biographies, Senate confirmation records, court filings, financial disclosures, recusal filings, and the judge's prior opinions.

15. Important Evidentiary Boundary

The goal of this investigation should be to establish a documented **chain of evidence** concerning:

- Financial, organizational, governmental, or other forms of support for **large-scale or mass migration efforts**;
- Whether any such efforts are coordinated across organizations, jurisdictions, or national borders;
- Whether individuals or organizations involved in those efforts have expressed or pursued objectives that could reasonably be characterized as **retaliatory or punitive toward a native-born population**;

- Evidence of collective-guilt narratives in which an entire population is portrayed as responsible for the alleged wrongdoing of particular individuals, institutions, or historical actors;
- Whether contemporary rhetoric or political campaigns contain meaningful parallels to historical episodes in which populations were collectively blamed, stigmatized, displaced, or otherwise targeted during periods of international conflict;
- Establishing the power dynamics of immigrants within the United States as a form of warfare against indigenous and native Americans by immigrants, first- and second-generation;
- Understanding war, slavery, and genocide within the investigation, particularly where mass instrumental migration may be used as a form of hybrid war, supporting foreign enemies, as a political weapon against a people or demographic, whether mass migration has created cultural dissonance in a people, and whether a person is guilty of crimes against humanity or participating in a modern-day holocaust;
- Examining whether these proceedings are more than judicial proceedings and whether, during times of war, they may be used as a weapon;
- Examining the circumstances surrounding President Biden's appointment of Jeannette Vargas and allegations that Biden's immigration policies constituted a mass atrocity against the American people, while distinguishing documented evidence from conclusions concerning motive;
- Establishing a survey of the military, Border Patrol, ICE, police, and others concerning their experiences and views regarding the enforcement of immigration laws, including whether enforcement responsibilities raise questions of conscience, national security, hostilities, violence, crime, or potential warfare;
- Examining claims that the recent border crisis represented an unprecedented harm to the American people and whether the available evidence supports characterizing it as a foreign war within U.S. borders;
- Examining claims concerning the Democratic Party, immigrant coalitions, and other political organizations to determine, through documentary evidence, whether particular policies or actions contributed to identifiable harms or security risks;
- Examining the implications for the U.S. military and other public servants when immigration policy, national security, constitutional obligations, and allegations of foreign hostility intersect.

Particular attention should be given to the proposition that some contemporary immigration or political campaigns may characterize native-born Americans as collectively responsible for racism or other historical wrongdoing and may consequently advocate policies that function as a form of **collective punishment or demographic transformation**.

That proposition should be treated as an **investigative hypothesis**, and the investigation should identify the actual statements, policies, funding relationships, organizational communications, and historical precedents supporting or contradicting it.

Historical comparisons—including comparisons with propaganda, collective-guilt campaigns, population displacement, or demographic policies associated with **World War II and other war fronts**—should likewise be based on specific, documented similarities.

The central evidentiary question is therefore:

Is there a demonstrable chain connecting the financing, organization, advocacy, or implementation of large-scale migration efforts with an intentional campaign to punish, replace, dispossess, or collectively stigmatize a particular native population?

Answering this question requires documentary evidence. Relevant evidence may include funding records, tax filings, foreign-agent registrations, government documents, litigation records, organizational communications, public statements, policy papers, demographic data, and contemporaneous historical records.

The investigation should also actively seek **evidence that disproves the hypothesis**, rather than collecting only material that supports it. This is essential when evaluating a claim involving coordinated foreign influence, collective punishment, or an alleged modern continuation of wartime practices.

16. Key People and Institutions to Map

The investigation can now be organized around four groups:

Plaintiffs

- Catholic Legal Immigration Network, Inc. (CLINIC)
- African Communities Together (ACT)
- The individual plaintiffs

Legal Representatives

- Center for Constitutional Rights
- Legal Aid Society
- Democracy Forward
- National Immigration Law Center
- Western Center on Law & Poverty
- Colombo & Hurd

Federal Defendants

- Secretary of State Marco Rubio
- U.S. Department of State
- Other federal officials named in the litigation

Judiciary

- U.S. District Judge Jeannette A. Vargas
- U.S. District Court for the Southern District of New York
- Potentially, the U.S. Court of Appeals for the Second Circuit if the administration appeals

17. Bottom Line

Judge Jeannette A. Vargas is a central figure in the case because she issued the decision that invalidated the 75-country immigrant-visa suspension.

The available evidence establishes that she is a Biden-appointed federal judge and that she ruled against the Trump administration's policy.

The theory being posited is that Judge Vargas acted as part of a coordinated political or foreign operation.

A serious investigation should therefore examine her professional history, financial disclosures, prior cases, relationships with the litigants and attorneys, and the legal reasoning in her decision. Any actual evidence of coordination should then be evaluated independently.

This distinction is especially important if the final report is intended to make a claim as serious as **"foreign or civil war against Americans."**