



[Unconstitutional Arrest of Columbia University Graduate Student Mahmoud Khalil](#)

This week, the unconstitutional arrest of Mahmoud Khalil – a recent Columbia University graduate – has sparked widespread outrage and condemnation. Civil liberty groups, free speech organizations, and rights advocates have outlined how it is a blatant violation of the First Amendment and one of the latest escalations in the Trump administration’s efforts to suppress any legitimate criticism of Israeli policies. During the anti-war Gaza solidarity demonstrations at Columbia University last year, Khalil served as the lead negotiator between student protesters and school administrators as the movement sought to initiate divestment from entities with ties to Israel’s heavily denounced military operations in Gaza and other fair measures. As legal experts have highlighted, Khalil is clearly being wrongfully targeted purely for his activism, as he has not been charged with a crime or violated the terms of his permanent residency in any way. Instead, the unjust arrest of Khalil is an assault on freedom of speech, and should be countered for the threat that it poses to American society and the democratic values that we espouse to uphold and protect.

It is irrefutable that Khalil’s arrest is a flagrant violation of the First Amendment, and thus unconstitutional and illegal. There is no merit behind the detainment, and it implies that anyone can be subject to arrest merely for exercising their right to free speech. The fact that Khalil, a lawful permanent resident of the United States, faces potential deportation without due process or any criminal conviction is abhorrent. Some observers have also rightly alluded to how this is the type of action and repression that one would expect to see in a dictatorship, not a democracy, and that arresting and threatening to deport individuals because of their participation in political activism is something that one would ordinarily associate with the world’s most oppressive authoritarian regimes. The Trump administration’s desire to revoke student visas of foreign students and nationals is already highly problematic, but the idea of Khalil himself potentially being deported is especially shocking and even more troubling given that he is not a foreign national on a student visa, and instead is a permanent resident. As such, Khalil is entitled to the fundamental right of freedom of speech, as protected by the First Amendment. The Supreme Court of the United States (SCOTUS) has recognized that lawful permanent residents, like Khalil, possess First Amendment rights to free speech.

Several [civil rights](#) groups and concerned parties have come forward to condemn the arrest and warn about what an action like this unprevented may mean for the country as a whole. The Foundation for Individual Rights and Expression emphasized that anyone facing arrest and detention must be afforded due process, and that our government must abide by the First Amendment. The prospect of the government revoking Khalil’s green card in retaliation for nothing more than free speech is prohibited under the U.S. Constitution. The unlawful arrest also raises serious concerns about the Trump administration’s misuse of immigration enforcement personnel to curtail and punish constitutionally-protected First Amendment freedoms. Their policies are aimed at stoking fear and signaling that dissent will result in negative consequences such as detainment, surveillance, and even possible deportation. Lawyers cautioned that all Americans should be outraged and terrified at the idea of the country incarcerating its residents for simply exercising free speech, and rights advocates called the arrest a targeted attack on First Amendment rights and an unlawful detention which reeks of McCarthyism. In fact, the U.S. State Department under Secretary of State Marco Rubio is using a McCarthy-era law to try and revoke visas of foreigners whom it solely deems to be “pro-Hamas.” This resembles the alleged “reasoning” behind Khalil’s arrest, which no

valid justification has been given for, as the Trump administration ludicrously claims that Rubio has made a solo determination that Khalil's presence in the United States "runs contrary to the country's interests." The aforementioned McCarthy-era law, the Immigration and Nationality Act of 1952, codified immigration restrictions against those accused of being subversives, communists, or Soviet agents. Ironically enough, this was an antisemitic law that targeted Eastern European Jewish Holocaust survivors in particular, and now it appears as though Rubio seeks to use it arbitrarily at his discretion as an assault on college campus free speech.

With its unconstitutional arrest of Khalil, it is apparent that the Trump administration is deploying the wrongful and dangerous tactic of conflating fair criticism of Israel's actions with antisemitism. Similarly to Khalil, many of those taking part in the anti-war demonstrations and solidarity movements on college campuses across the country are merely expressing opposition to abusive Israeli policies and behavior. Thus, attempting to label this human rights activism as "antisemitic" or "pro-Hamas" is inaccurate, and clearly used as a guise to try and shield Israel from justifiable criticism. There is an undeniable and important difference that should be made between speaking out against the actions of a country's government versus being bigoted towards an entire group of people, yet unfortunately, this harmful conflation makes it extremely difficult for human rights and social justice advocates to take part in activism without being unfairly targeted and labeled as "antisemitic." In media interviews, Khalil had even explicitly expressed that his activism had no place for antisemitism. The anti-war movements which swept across college campuses all over the United States involved the participation of a highly diverse group of students from various ethnic, racial, and religious backgrounds, including many Jewish-Americans, and so the attempt to try and smear these as "antisemitic" is absurd.

In the aftermath of Khalil's arrest and ongoing detainment in Louisiana, protesters have taken to the streets in New York and several other cities to speak out against it and call for his release. A federal judge has issued a ruling preventing his deportation while the court reviews the case. Khalil's lawyers are challenging the arrest on First Amendment grounds [saying](#) that the government is engaging in blatant efforts to target his free speech protections. They are also requesting that he be returned to New York, and are planning on filing briefs related to both the illegality of the detention and the venue dispute over the coming week. A Manhattan federal court held a hearing on Wednesday, as the judge ruled that Khalil would remain detained but extended the order which is currently blocking authorities from deporting him.