25-1113

United States Court of Appeals for the Second Circuit

MOHSEN MAHDAWI,

Petitioner-Appellee,

-against-

DONALD J. TRUMP, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE UNITED STATES, DAVID T. WESLING, IN HIS OFFICIAL CAPACITY AS ACTING BOSTON FIELD OFFICE DIRECTOR, IMMIGRATION AND CUSTOMS ENFORCEMENT, ENFORCEMENT AND REMOVAL OPERATIONS, J DOE, IN OFFICIAL CAPACITY AS VERMONT SUBOFFICE DIRECTOR OF IMMIGRATION AND CUSTOMS ENFORCEMENT, ENFORCEMENT AND REMOVAL OPERATIONS, DAVID J. VENTURELLA, IN HIS OFFICIAL CAPACITY AS SENIOR OFFICIAL PERFORMING THE DUTIES OF THE DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, MARKWAYNE MULLIN, IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, MARCO A. RUBIO, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE, TODD BLANCHE, IN HIS OFFICIAL CAPACITY AS U.S. ATTORNEY GENERAL,

Respondents-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

BRIEF ON BEHALF OF 129 COLUMBIA UNIVERSITY AND BARNARD COLLEGE FACULTY MEMBERS AS AMICI CURIAE IN SUPPORT OF PETITIONER

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INTEREST OF AMICI CURIAE[1]

Amici are a group of 129 current and former Columbia University and Barnard College (hereinafter "Columbia University" or "Columbia" or the "University") faculty members from across a broad range of academic departments and disciplines.[2] All Amici were present on campus and actively observant of the broad campus protest activities in support of Palestinian rights—and the Columbia administration's heavy-handed responses—in the months and years following Hamas's October 7 attacks in Israel. A number of Amici were among twenty-three Jewish faculty who published a public letter to then-President of Columbia University, Minouche Shafik, rejecting the "dangerous and false conflation" of pro-Palestinian speech and anti-Semitism, and asking the University not to succumb to political pressure to silence criticism of

[1] No party's counsel authored this brief in whole or in part. No person, other than Amici Curiae's counsel, funded the preparation or submission of this brief. All parties consented to the filing of this brief.

[2] A full list of Amici appears as an appendix to this brief. Amici present this brief solely in their personal, private capacities, and the views expressed herein are not those of the colleges or universities with which some Amici are affiliated.

Israeli, U.S., and Columbia University policy in Gaza.[3] All Amici have had an intimate view and first-hand knowledge of the environment at Barnard and Columbia during the time Mohsen Mahdawi was present on campus.

We write to urge this Court to reject the caricature of the far-reaching anti-Semitic climate on campus that has been propagated by tabloids, bad-faith actors on and off campus, and those at the highest levels of our government. It is this caricature that led to the targeting of Mr. Mahdawi and others to be punished for constitutionally protected advocacy—advocacy that sits at the heart of the historic University's mission to question, advocate, and, where possible, change people's minds.

Further, Amici who are familiar with the activities of Mohsen Mahdawi while on campus categorically reject the persistent smearing of Mr. Mahdawi as anti-Semitic or as a supporter of terrorism. Instead, these Amici recognize his mature leadership role as a bridge-builder

[3] Debbie Becher et al., *Jewish Faculty Reject the Weaponization of Antisemitism*, Columbia Spectator (April 10, 2024), https://www.columbiaspectator.com/opinion/2024/04/10/jewish-faculty-reject-the-weaponization-of-antisemitism/.

between people, and his belief in solidarity across faiths in pursuit of justice and peace.

Because efforts to silence peaceful student activism in support of Palestine—or other social justice causes—does grave danger to Columbia University's mission and to our constitutional order writ large, Amici urge the Court to hold that the federal courts have power to release habeas petitioners when they have been detained in violation of their First Amendment rights. Accepting the government's argument to the contrary would chill not only Mr. Mahdawi's speech, but also run counter to the First Amendment and fundamental constitutional principles of academic freedom and free expression.

INTRODUCTION

This case arises from the government's arrest and detention of Mohsen Mahdawi—a Palestinian student at Columbia University and a lawful permanent resident—based solely on speech and advocacy that the Government acknowledges were lawful. Mr. Mahdawi, a long-time Vermont resident and student at Columbia University, had publicly opposed the war in Gaza and helped lead peacebuilding dialogues on Columbia's campus. But because the Government disagreed with the

substance of his peaceful expression—activity protected by the First Amendment—Respondents arrested and detained him in April 2025, immediately after he completed his naturalization interview in Vermont.

Following Mr. Mahdawi's filing of a habeas petition, the district court ordered his release on bail, based on his substantial First and Fifth Amendment claims, the extraordinary circumstances suggesting unconstitutional retaliation, and its findings that he posed neither a flight risk nor danger to the community. JA 569-574. Respondents now seek authorization to detain Mr. Mahdawi again, arguing that the federal courts lack jurisdiction to review his challenge to his unlawful detention at this stage.

Respondents assert that Mr. Mahdawi's constitutionally protected activities are "adverse" to U.S. foreign policy interests. JA 330. Respondents' stated concerns center on Mr. Mahdawi's role in protests at Columbia University.[4] *Id.* As context for its actions, the government points to the campus atmosphere and events during his time as a student, specifically the protests that began on campus in the aftermath of

[4] Only later did the Government advance allegations that Mr. Mahdawi made concerning statements while purchasing a firearm more than a decade ago. These belated and false allegations are pretextual.

Hamas's October 7 attacks on Israel and Israel's military offensive in Gaza (hereinafter "Palestinian Solidarity Protests").

The government's depiction of Columbia's campus and Mr. Mahdawi's involvement in campus activities is a profound and dangerous mischaracterization of reality. The government dangerously exaggerates First Amendment protected activity and routine, widely attended, and time-honored campus protests. Contemporaneous accounts of the Palestinian Solidarity Protests paint a very different picture of campus. *See e.g.*, JA 154, 373, 404, 410.

Though the government's claims are manufactured, their real-world consequences for Columbia University's reputation and integrity—and academia generally—are grave. The record is replete with evidence of the pall that Mr. Mahdawi's detention—and the false narrative the government has used to justify its actions—has cast over Columbia University's academic and intellectual life. Students and faculty alike have described the chilling effect that the government's attempt to punish Mr. Mahdawi for disfavored speech has had on their lives, careers, and education.

Accordingly, we respectfully urge this Court to affirm the Vermont District Court's orders granting Mr. Mahdawi bail. If our students are arrested and deported for engaging in activities endemic to the critical mission of a university, the historic mission of Columbia University and other universities is irreversibly threatened.

ARGUMENT

I. COLUMBIA UNIVERSITY HAS HISTORICALLY SERVED AS A BEACON OF ROBUST FIRST AMENDMENT DISCOURSE.

Columbia University has historically been a robust intellectual and political eco-system. It has famously been a place of dynamic and productive First Amendment dialogue and confrontations. In keeping with this essential tradition of academic freedom, the Palestinian Solidarity Protests were no different than other protests that have occurred on Columbia's campus. This includes protests to end the University's racist treatment of their Harlem neighbors,[5] for an end to

[5] Frank A. Guridy, *Why We Need to Remember 1968 Now*, Columbia Spectator (Apr. 26, 2018), https://www.columbiaspectator.com/opinion/2018/04/26/why-we-need-to-remember-1968-now.

the Vietnam War[6] and apartheid in South Africa,[7] as well as challenging unpopular speakers such as Iranian president Mahmoud Ahmadinejad.[8]

The debates raised by these First Amendment activities can be heated and uncomfortable, and protests can evoke strong feelings. College campuses are filled with young students learning not just about the world, but about themselves, their identity, and the principles that will guide them into the future. Because of this, campuses, including Columbia University, have and continue to be filled with impassioned and energetic movements for change. This was no different with the Palestinian Solidarity Protests, where students united behind demands to university administration including transparency in financial

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[6] Zachary Folk, Columbia Student Protesters Occupied The Same Building In 1968—Here's How The Two Protests Compare So Far, Forbes (Apr. 30, 2024), https://www.forbes.com/sites/zacharyfolk/2024/04/30/columbia-student-protesters-occupied-the-same-building-in-1968-heres-how-the-two-protests-compare-so-far/?sh=768908561d5d.

[7] Johanna Lee, *Mandela Hall: A History of the 1985 Divest Protests*, Columbia Spectator (Apr. 12, 2016), https:// www.columbiaspectator.com/eye/2016/04/12/mandela-hall.

[8] *Statement by University President Lee Bollinger on the Invitation of Mahmoud Ahmadinejad*, Columbia Spectator (Sept. 19, 2007), https://www.columbiaspectator.com/2007/09/19/statement-university-president-lee-bollinger-invitation-mahmoud-ahmadinejad.

investments and divestment from companies profiting from the war in Gaza. *See* JA 255-256.

Bold, impassioned, strident speech—even if painful or uncomfortable to hear—is at the core of the First Amendment's protections of free speech. As the Supreme Court has repeatedly underscored, "debate on public issues should be uninhibited, robust, and wide-open, and . . . may well include vehement, caustic, and sometimes [unpleasant speech]." *N.Y. Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964); *see also Snyder v. Phelps*, 562 U.S. 443, 452 (2011) ("[S]peech on public issues occupies the highest rung of the hierarchy of First Amendment values, and is entitled to special protection." (internal citations omitted)); *Madsen v. Women's Health Ctr.*, 512 U.S. 753, 774 (1994) ("As a general matter, we have indicated that in public debate our own citizens must tolerate insulting, and even outrageous, speech in order to provide adequate breathing space to the freedoms protected by the First Amendment." (internal citations omitted)); *Guiles ex rel. Guiles v. Marineau*, 461 F.3d 320, 324 (2d Cir. 2006) (observing that "the 'vigilant protection of constitutional freedoms is nowhere more vital than

in the community of American schools.'" (quoting *Healy v. James*, 408 U.S. 169, 180 (1972)).

Columbia University's historic commitment to free inquiry and robust disagreement is what gave it the reputation as a world-class institution, one previously known as welcoming of international students and perspectives. In the past, Columbia has historically stood up against attempts to suppress Palestinian scholarship[9] and to the reckless accusations from private actors like the David Project that aimed to chill speech in support for Palestinian rights.[10] Sadly, that is no longer the case. But where students and faculty can no longer rely on their university for support of free speech and inquiry, the safe harbor of the Constitution is all the more vital. *See Dube v. State Univ. of New York*, 900 F.2d 587, 598 (2d Cir. 1990) ("[F]or decades it has been clearly established that the First Amendment tolerates neither laws nor other

[9] Provost Jonathan Cole, *The University Responds: 'On the Matter of Edward Said'*, Columbia Spectator (Oct. 20, 2000), https://www.columbiaspectator.com/2000/10/20/university-responds-matter-edward-said.

[10] *The David Project*, PowerBase, https://powerbase.info/index.php/The_David_Project (last updated May 2, 2013, 8:59 PM).

means of coercion, persuasion or intimidation that 'cast a pall of orthodoxy' over the free exchange of ideas in the classroom." (quoting *Keyishian v. Board of Regents*, 385 U.S. 589, 603 (1967))).

Limiting academic freedom when it comes to questions of Israel and Palestine paves the way for limitations on other contested topics, from climate science to the history of slavery as some high-level government officials have started to pursue.[11] What's more, students must have the freedom to dissent, to make mistakes, to offend without intent, and to learn to repair harm done if necessary. A college campus is an intentionally drawn space for challenge and learning; it should be faculty and students mediating this complicated process, not government officials policing content of which they disapprove.

[11] *See* Michael C. Bender et al., *Inside Trump's Pressure Campaign on Universities*, N.Y. Times (Apr. 14, 2025), https://www.nytimes.com/2025/04/14/us/politics/trump-pressure-universities.html; Elissa Nadworny, *All the Ways the Trump Administration Is Going After Colleges and Universities*, NPR (Jun. 10, 2025), https://www.npr.org/2025/06/10/nx-s1-5424450/ways-trump-administration-is-going-after-colleges.

II. THE PORTRAYALS OF COLUMBIA UNIVERSITY AND THE PALESTINIAN SOLIDARY PROTESTS AS DANGEROUS, VIOLENT, OR ANTI-SEMITIC ARE FALSE.

After Hamas's horrific attacks on October 7, 2023, Israel began bombing and then invaded Gaza, a military assault that human rights organizations and scholars throughout the world are calling a genocide.[12] Students and faculty, outraged by the mass murder of civilians, engaged in the time-honored norm of campus protests, much as they protested the Vietnam War, South African apartheid, and racial violence. The Palestinian Solidarity Protests represented a continuation of Columbia University's historic role in fostering heated but necessary discourse on a matter of grave public importance. Indeed, it would have been a shocking departure from the University's historic function if the campus had been quiet during this morally and politically contentious time.

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[12] "[T]he International Association of Genocide Scholars . . . [d]eclares that Israel's policies and actions in Gaza meet the legal definition of genocide in Article II of the United Nations Convention for the Prevention and Punishment of the Crime of Genocide (1948)." IAGS Resolution on the Situation in Gaza, International Association of Genocide Scholars (Aug. 2025), https://genocidescholars.org/wp-content/uploads/2025/08/IAGS-Resolution-on-Gaza-FINAL.pdf; *see also Israel Has Committed Genocide in the Gaza Strip, UN Commission Finds*, United Nations (Sept. 16, 2025), https://www.ohchr.org/en/press-releases/2025/09/israel-has-committed-genocide-gaza-strip-un-commission-finds.

However, the government and others have perpetuated a false narrative about Columbia University and the Palestinian Solidarity Protests. In fact, federal findings of anti-Semitic harassment at Columbia University following the October 7 attacks were made "on an accelerated timetable before adequate factual development and legal review were completed" and relied on "allegations that were unsupported" or "that implicated protected First Amendment activity," as revealed by a Congressional whistleblower disclosure filed by a former Department of Justice attorney.[13]

Far from dangerous, violent, or anti-Semitic, the Palestinian Solidarity Protests at Columbia University were largely peaceful.[14] *See,*

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[13] Letter from Dana L. Gold, et al., Gov't Accountability Project, to Charles Baldis, Special Counsel, U.S. Off. of Special Counsel, et al., Re: Whistleblower Disclosure of Haley Van Erem Regarding Violations of Law, Gross Mismanagement, Gross Waste, and Abuse of Authority in HHS Title VI Enforcement Activities by the Task Force to Combat Anti-Semitism, at 2 (Aug. 17, 2026), https://democrats-judiciary.house.gov/sites/evo-subsites/democrats-judiciary.house.gov/files/evo-media-document/08.17.26-title-vi-whistleblower-disclosure-for-congress.pdf.

[14] *Defending Columbia University from the Congressional Assault on Higher Education* (Apr. 2024), https:// docs.google.com/document/u/2/d/e/2PACX-1vRIBsnP_PxwLRUrS3BBvyB1Zj4Y-BJM1AknpwF8J-HF0s6oPHULEBm433VHbNDwHDXmXH7lNf0ILtY8/pub ("[I]t is

e.g., JA76.[15] To the extent that there was any hateful rhetoric, first-hand observers have publicly pointed out, "[i]t was the demonstrations outside the campus."[16] Outside protesters were drawn to Columbia University "by former President Shafik's suspension of two pro-Palestine student groups," which "escalated the protests and made our campus a flashpoint."[17] Seeking to justify its unlawful detention and removal proceedings of Mr. Mahdawi, the government dramatically distorts the Columbia University campus and cynically represents it as unique and harmful. The government is attempting to wield the notoriety surrounding the Palestinian Solidarity Protests to falsely tar Columbia University as a hotbed of anti-Semitic rhetoric and violence. As in the case of other universities, the government seeks to use this fabricated

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absurd to claim that antisemitism . . . is rampant on Columbia's campus.").

[15] Letter from Jewish Faculty Responding to the Second Report of Columbia University's Anti-Semitism Taskforce (Sept. 5, 2024), https://docs.google.com/document/u/1/d/1ROJM_N9TWe909sAK1sPkIkFJzboe60e8PlMKqvKhdCg/pub.

[16] *Id.*

[17] *Id.*

narrative as pretext to further interfere with other academic activities that the government and these private actors oppose.

Contemporaneous accounts of the protests from students and faculty—individuals who were present on campus as the protests were ongoing—refute these fabricated descriptions of the campus climate at the time. Many of the instances of supposed anti-Semitism rest on misleading or distorted accounts of specific events.[18] For example, faculty members who spoke out against the weaponization of anti-Semitism were falsely accused of calling for the end of the state of Israel.[19] Incidents of alleged anti-Semitism used to justify the government's arrest and detention of Mr. Mahdawi have been shown to be falsely reported.[20] Recent reporting has revealed that government officials demanded investigations of three universities, including Columbia, with

[18] *See* Letter from Jewish Faculty, *supra* note 16 ("[T]he report cherry-picks information to show the campus climate in the worst possible light.").

[19] *See id.*

[20] *See id.* (discussing the false allegations that an Israeli student's finger was fractured by a protester).

instructions that investigators conclude systemic antisemitism occurred before the investigations even took place.[21]

What is notable from the government's repeated claims is the absence of any factual basis for their claim that there is a hostile climate on campus for Jewish students, or anything approximating student violence. The actual evidence in this case—which substantiates lived experiences on campus—overwhelmingly proves the opposite. The record in this case contains declarations from numerous Jewish, undergraduate and graduate students, attesting to Jewish students' distress that the false conflation of criticism of Israeli policy and anti-Semitism is being weaponized to silence and punish Palestinian voices. *See, e.g.*, JA 95, 373-85.

The record also contains evidence substantiating Amici's own experiences, including Jewish faculty rejecting the government's caricature of the Columbia University's campus as a place of rampant

[21] Letter from Dana L. Gold, et al., supra note 14; Jeremy Roebuck and Danielle Douglas-Gabriel, *Politics Drove Antisemitism Probes Against Ivy League Schools, DOJ Whistleblower Says* (Aug. 18, 2026), https://www.washingtonpost.com/politics/2026/08/18/trump-harvard-justice-department-brown-columbia/085cbd9a-9b05-11f1-9cc4-2dc9b46e2d5c_story.html.

anti-Semitism, and substantiating Mr. Mahdawi's leadership role in serving as a bridge-builder between among people of all backgrounds. [22]

Without question, "antisemitism is a grave concern that should be scrutinized alongside racism, sexism, Islamophobia, homophobia, and all other forms of hate."[23] As Columbia students and faculty opposed to the government's heavy-handed tactics have stated publicly, "when antisemitism rears its head, it should be swiftly denounced, and its perpetrators held to account."[24] However, "[t]o argue that taking a stand against Israel's war on Gaza is antisemitic is to pervert the meaning of the term."[25] Indeed, a noteworthy study from Brandeis University found barely any overlap between college students with hostility toward the state of Israel and those with hostility toward Jews.[26]

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[22] *See*, *e.g.,* JA 118, 134-35, 139.

[23] Defending Columbia University from the Congressional Assault on Higher Education, *supra* note 15.

[24] *Id*.

[25] *Id*.

[26] Graham Wright et al., *Antisemitism on Campus: Understanding Hostility to Jews and Israel*, Brandeis University Cohen Center for Modern Jewish Studies (Aug. 2024), https://www.brandeis.edu/cmjs/antisemitism/antisemitism-on-campus.html.

III. LEVERAGING FALSE PORTRAYALS OF WIDESPREAD ANTI-SEMITISM TO SILENCE POLITICAL SPEECH THREATENS THE VERY MISSION OF THE UNIVERSITY.

The government's false and misleading portrayal of Columbia University's campus has widespread consequences, not just for Columbia, but for higher education writ large. Indeed, permitting federal officials to arrest, detain, and deport students on such a false premise, when they are actually engaged in protected political expression, would do irreparable damage to the very function of a modern university. This Court should not permit higher education to suffer this irremediable wound.

A wide variety of students and professors have reported that non-citizen students have stopped attending classes, limited their engagement on social media, and have avoided traveling back home for fear of detention or deportation upon their return.[27] Non-citizen students

[27] Liam Knox, 'Palpable Fear' Hangs Over International Students, Inside Higher Ed (Mar. 18, 2025), https://www.insidehighered.com/news/global/international-students-us/2025/03/18/international-students-navigate-escalating-threats; Maximillian Alvarez, At Columbia, *International Students Face "Chilling Effects" of Trump Admin*, In These Times (June 23, 2025), https://inthesetimes.com/article/grad-student-workers-face-fear-at-columbia.

and professors have stopped attending events relating to the war on Gaza and academic conferences on its consequences.[28] A wide variety of events have been cancelled, and research put on pause, at Columbia and other universities.[29] Even University leadership began to self-censor its public statements. A broad chill has descended on campus life.

Rather than being concerned with the safety and well-being of Jewish students on campuses, the government is leveraging anti-Semitism in a wider effort to caricature and demonize universities, including Columbia University, as hotbeds of "woke indoctrination."[30] Its opportunistic use of anti-Semitism in a moment of crisis is expanding and strengthening longstanding efforts to undermine educational institutions.

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[28] Noah Hurowitz, *U.N. Experts Blast U.S. Universities for Human Rights Violations Against Gaza Protesters*, The Intercept (Dec. 16, 2025), https://theintercept.com/2025/12/16/un-human-rights-universitie s-columbia-gaza-protests/.

[29] Jaclyn Diaz, *Turmoil Rocks Columbia University as Trump Administration Demands Changes — or Else*, NPR (Mar. 14, 2025), https://www.npr.org/2025/03/14/nx-s1-5328589/columbia-university-trump-letter-funding.

[30] Glenn C. Altschuler et al., *The Myth of 'Woke' Indoctrination of Students*, The Hill (Apr. 9, 2023), https://thehill.com/opinion/education/3941143-the-myth-of-woke-indoctrination-of-students.

Weaponizing charges of anti-Semitism to suppress political speech critical of the state of Israel has the serious risk of undermining the legitimacy and autonomy of democratic institutions, including universities. It is on subjects such as Israel and Palestine—subjects that inspire such intense emotions and conflicting points of view—where the First Amendment's protection of academic freedom is so crucial. *See Keyishian*, 385 U.S. at 603 ("The Nation's future depends upon leaders trained through wide exposure to that robust exchange of ideas which discovers truth 'out of a multitude of tongues, [rather] than through any kind of authoritative selection.'" (internal citations omitted)).

The relationship between Israel, Judaism, and Jewry is a hotly contested topic, including between and among Jews.[31] University campuses are one of the primary arenas in which this evolving and multi-faceted inquiry takes place.[32]

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[31] *See* Defending Columbia University from the Congressional Assault on Higher Education, *supra* note 15 (describing "more than a century of debates among Jews themselves about the nature of a Jewish homeland in the biblical Land of Israel, including Israel's status as a Jewish nation-state").

[32] *See* Letter from Jewish Faculty, *supra* note 16 (describing Columbia University as a place where "Jewish students and scholars . . .

As Jewish scholars at Columbia University have noted, "the[] terms [Zionism and anti-Zionism] have been contested, notably among Jews, since the rise of the Zionist movement in the late 19th century and remain the subject of rigorous scholarly inquiry today."[33] Conflating anti-Zionism—or any criticism of the state of Israel—with anti-Semitism not only distracts attention from actual anti-Jewish hatred, but also threatens the integrity of Columbia University as a site for research, debate, and exploration.[34] Ironically, by labelling the Palestinian Solidarity Protests as anti-Semitic, the government condemns and erases the viewpoints of those Jewish faculty and students who supported the protests.[35]

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continue to interrogate, investigate, and express their own ideas and commitments as works-in-progress").

[33] *See id.*

[34] *See id.* ("We can't have open dialogue across differences on this difficult topic if students, faculty, and others are not free to criticize a modern state and its actions or debate a political philosophy like Zionism.").

[35] *See id.* ("It dismisses the experiences of the post-Zionist, non-Zionist, and anti-Zionist Jews who work, study, and/or live on our campus.").

Ultimately, falsely characterizing Columbia's campus and its historic tolerance of heated, dissenting political viewpoints in this way is damaging to the University because it will continue to produce its predictable effects: stifling dialogue, silencing voices and the corresponding search for truth, and undermining the valor and mission Columbia University as a premier educational institution. Columbia University exists in order to foster this dialogue; not in spite of it. Even more, punishing students for engaging in the kind of protected expression at the heart of the University's mission risks irreparably damaging the mission of higher education writ large.

The Court's intervention is critical for the protection of the constitutional right to speech and dissent and the corresponding health of a great University.

CONCLUSION

For all of the foregoing reasons, Amici respectfully request that this Court affirm the district court's jurisdiction to order Mr. Mahdawi's release from unconstitutional and retaliatory detention. Holding otherwise is incompatible with the First Amendment and the fundamental liberties enshrined in our Constitution

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CERTIFICATE OF COMPLIANCE

1. This brief complies with the type-volume limitation of Fed. R. App. P. 29(a)(5) and 32(a)(7)(B)(i) because it contains 3,628 words, excluding the parts of the brief exempted by Rule 32(a)(7)(f).

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Date: November 12, 2026

CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2026, I electronically filed the foregoing brief with the Clerk of the Court for the U.S. Court of Appeals for the Second Circuit by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.