



June 26, 2026

Ms. Tania Reneaum Panszi
Executive Secretary
Inter-American Commission on Human Rights
1889 F Street NW
Washington, D.C., 20006
United States

Re: Request for Hearing on the Trump Administration's Suppression of Pro-Palestinian Speech and Threats to Academic Freedom on College and University Campuses

The undersigned organizations, writing pursuant to Articles 61, 62, and 66 of the Rules of Procedure of the Inter-American Commission on Human Rights ("IACHR"), respectfully request a hearing during the 197th Period of Sessions (October 26 to November 6, 2026) in Panama City, Panama, on "Suppression of Free Speech and Threats to Academic Freedom on College and University Campuses in the United States," achieved through the Administration's abuse of Title VI of the Civil Rights Act of 1964, and through detentions and attempted deportations of student and faculty activists.

The Proposed Hearing

Since October 2023, colleges and universities across the United States have been sites of mass demonstrations, encampments, and other types of peaceful protest actions as students, faculty, and campus staff have protested atrocities committed in the context of Israel's war on the occupied Gaza strip,¹ which Amnesty International,² other human rights organizations,³ and international bodies including a United Nations Independent Commission of Inquiry⁴ have concluded amounted to a genocide against Palestinians in Gaza.⁵ The protesters' demands included calls for a ceasefire and calling for their academic institutions to divest from weapons manufacturing companies and other companies that have profited from violations of human rights and humanitarian law in Gaza.⁶ In response, opponents of these students' messages—including President Donald Trump—frequently characterized peaceful protest and any speech in favor of Palestinian rights as inherently supportive of Hamas and antisemitic.

Since the first months of President Donald Trump's second term, his administration launched extreme and escalating attacks on freedom of speech and academic freedom. The Trump administration has leveraged several federal agencies and departments in its campaign against pro-Palestine speech and activism on campus. With the stated goal of combating antisemitism, the administration has deployed the Department of Justice, Department of Homeland Security, Department of Education, and Equal Employment Opportunity Commission, Department of Health and Human Services, and the General Services Administration to suppress free speech on campus.

The IACHR has already emphasized the importance of many of the issues raised in this request. In May 2024, the IACHR and its Special Rapporteurs on Freedom of Expression and on Economic, Social, Cultural and Environmental Rights expressed concern over the acts of violence, mass arrests, and sanctions against educational community members mobilizing on issues of public interest in the United States.⁷ In that public statement of concern, the IACHR called on the United States to respect and guarantee freedom of expression, peaceful assembly, and academic freedom on campuses.⁸ In March 2025, the IACHR issued a further statement of concern regarding measures adopted during the second term of the Trump administration, specifically emphasizing the federal government's detention and deportation of foreign-born scholars, lawfully residing and working in the United States, in response to their political speech and advocacy around conflicts in the Middle East.⁹ The statement additionally expressed concern around the cancellation of federal funding for universities where student-led protests had occurred, and the further conditioning of funding on compliance with demands requiring disciplinary actions against student protesters and restrictions on future demonstrations.¹⁰ The concerns raised in both press releases are directly implicated by the escalating campaign of government action as detailed below and call for the Commission's attention and action during the 197th session.

We request a hearing on the Trump administration's widespread, McCarthyite censorship and retaliation campaign deployed against pro-Palestine advocates on university and college campuses, and against universities that were the site of pro-Palestine student activism. This request details the administration's abuse of civil rights laws to suppress criticism of Israel, withhold federal research grants from universities due to their refusal to conform to the government's preferred ideological approach, and coerce universities into accepting broad-ranging agreements to restore federal funding in exchange for making institutional changes in programs, curricula, admissions, and hiring, curtailing the free speech rights of students and faculty. It also details the administration's targeting of noncitizen students and scholars for arrest, detention, and deportation based on their political view and in direct retaliation for their advocacy for Palestinian rights. The administration's actions violate foundational academic freedom principles, First Amendment rights, and the rights to freedom of peaceful assembly, expression, and association enshrined in international law.

Abuse of Title VI, Withdrawal of Federal Funding, and Attempted Hostile Ideological Takeovers of Universities

The Trump administration created a three-agency taskforce aimed at ending alleged antisemitism on college campuses. Armed with an executive order that redefines antisemitism to include critiques of the state of Israel and Zionism, the taskforce has targeted 60 colleges and universities, cutting funding or threatening funding at these institutions.¹¹ The Trump administration has weaponized Title VI of the Civil Rights Act of 1964, which prohibits discrimination in the grounds of race, color or national origin in any activity or program receiving federal financial assistance, using the civil rights law as a tool to undermine free speech, suppress criticism of Israel, and defund higher education. The administration has encouraged the Department of Education to consider protected speech in determining whether any actionable harassment under Title VI, including allegations that the school is responsible for a “hostile environment,” was motivated by antisemitism.¹²

Wrongly equating protected political speech with unprotected discrimination, the administration has alleged violations of Title VI to cut funding or threaten to cut funding at universities that were the site of student protests, because the administration deemed these universities to be failing in their obligation to protect Jewish students from harassment. While combating antisemitism is a worthy goal, the administration’s overbroad reading of what constitutes actionable harassment under Title VI instead violates the First Amendment, by forcing universities to censor political speech the administration cannot constitutionally restrict.

Funding cuts and the continued threat of funding cuts have resulted in colleges and universities suppressing a wide variety of speech critical of Israel or in support of Palestinian rights in an effort to avoid Title VI investigations by the Department of Education and the potential loss of funding, even where such speech is protected and does not qualify as harassment. Fears of legal action against schools under Title VI and misinterpretations of Title VI standards have led some universities to suppress political speech that the First Amendment plainly protects. Universities have censored pro-Palestinian expression; punitively enforced campus policies through internal disciplinary or code of conduct processes against students; punished them with suspensions, expulsions, and other sanctions; conducted ongoing surveillance of their activities; and made restrictive changes to school policies governing peaceful assemblies and free speech on campus.

The Trump administration’s decision to withhold federal research grants from universities due to their refusal to conform to the government’s preferred ideological approach is a direct violation of the First Amendment. Because it is taking adverse action that is substantially motivated by the universities’ disfavored speech, it constitutes retaliation in violation of the First Amendment and constitutes impermissible government action by coercing a private party to censor its own speech and that of others. The government cannot condition federal funding on

ideological conformity in ways that are unrelated to the purpose of the federal funding program, or to coerce ideological conformity outside the confines of the federally funded activities.¹³

The government's use of federal funding to intrude upon a private university's academic governance and to dictate scholarly discourse directly conflicts with the basic understanding of academic freedom. Federal officials violate foundational academic freedom principles and First Amendment rights when they coerce a university to forfeit its institutional autonomy "to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study."¹⁴ Equally, federal officials violate academic freedom principles and the First Amendment when they force scholars to "better manifest the government's favored worldview," whether the government regulates their research and teaching directly or instead bullies their university into doing its academic-freedom-infringing dirty work.¹⁵

The Trump administration has violated broader First Amendment principles as well. The First Amendment protects all private speakers and institutions from viewpoint-based discrimination, coercion, and retaliation, even as it specifically protects colleges, universities, and their professors from infringements on academic freedom.¹⁶ It prohibits the government from forcing any private actor to express the government's preferred views,¹⁷ from leveraging federal funds in a viewpoint-based way, and from seeking to control speech outside of the scope of a government-funded program.¹⁸ The administration's actions violate each of these rules: They leverage huge sums of money to push the targeted universities into restricting speech by curtailing the independence of professors to fashion their own courses; they deny a private university the benefit of federal research funding because the university does not align with the administration's vision of what "innovative research," "academic excellence," and "viewpoint diversity" should look like on a college campus; and they seek to regulate speech far outside of the scope of the federal research grants that have been revoked.

More than 600 college and university presidents signed a letter denouncing the Trump administration's "unprecedented government overreach and political interference" with higher education, noting "we must reject the coercive use of public research funding."¹⁹ The American Association of University Professors, a 50,000-member organization representing faculty across the United States, stated, "These escalating threats and actions are a concerted effort to shut down the ability of students and faculty to teach, research, and advocate for issues of grave concern. The cumulative effect is to coerce colleges and universities to censor themselves and to only advocate perspectives preferred by those with access to the levers of power.... This authoritarian strategy of weaponizing accusations of antisemitism is being used to silence campus speech and corrupt academic freedom."²⁰

The Trump Administration's Campaign to Detain and Deport Students and Scholars Involved in Palestinian Rights Advocacy

The Trump administration has crafted and carried out a policy of revoking the visas and green cards of noncitizen students and scholars who engaged in pro-Palestinian advocacy, and of arresting, detaining, and deporting them. In March and April 2025, the Trump administration moved swiftly to detain and initiate deportation cases against noncitizen students and scholars who had advocated for Palestinian rights or criticized Israel. The administration has targeted these students and scholars solely because of their political viewpoints and constitutionally protected expression. Mahmoud Khalil, a green card holder and prominent advocate for Palestinian rights at Columbia University, was the first to be targeted. Other students and scholars, including Rümeyza Öztürk, Mohsen Mahdawi, and Dr. Badar Khan Suri, were arrested and detained, despite having valid immigration status and not being accused of breaking any law. The administration has attempted to detain and deport other students, including Yunseo Chung, Ranjani Srinivasan, and Momodou Taal, for their constitutionally protected pro-Palestinian advocacy. The administration is trying to use immigration laws to silence speech it disagrees with, while also claiming that no federal district court has authority to judge the constitutionality of its actions.

Shortly after assuming office, President Trump signed two executive orders intended to fulfill his campaign promises of deporting pro-Palestine protestors, Executive Order 14161, “Protecting the United States from Foreign Terrorists and other National Security and Public Safety Threats,” signed on January 20, 2025, and Executive Order 14188, titled “Additional Measures to Combat Anti-Semitism,” signed on January 29, 2025. Executive Order 14161 states that its purpose is to “protect [United States] citizens” from aliens who “espouse hateful ideology” and “bear hostile attitudes towards [United States] citizens, culture, government, institutions, or founding principles.”²¹ The order does not define “hostile attitudes,” leaving the term open to encompass any form of political dissent or criticism of government policies.

Executive Order 14188 and its accompanying fact sheet states the government’s intent to target post-October 7, 2023, campus antisemitism, particularly on “leftist, anti-American colleges and universities.”²² The order’s definition of antisemitism encompasses constitutionally protected criticism of the Israeli government and its policies. The accompanying fact sheet frames the order as a promise to “deport Hamas sympathizers and revoke student visas,” in order to send a message to all “resident aliens who participated in pro-jihadist protests” that the federal government “will find you...and deport you.”²³

In March 2025, ICE’s Department of Homeland Security Investigations launched an operation to identify pro-Palestinian protesters on college campuses.²⁴ This operation involved scouring lists of suspected protesters and producing reports based on unvetted allegations by third parties that the protesters are antisemitic or pro-Hamas.²⁵ ICE’s Homeland Security Investigations leadership provided its Office of Intelligence with lists of individuals to

investigate, including over 5,000 people listed on the Canary Mission website and names listed on Betar U.S.'s website, with instructions to focus only on those engaged in protests.²⁶ To expedite the process and manage the volume of names, the Office of Intelligence formed a specialized "Tiger Team," which quickly produced reports on 100 to 200 protesters, documenting protest activity and including unverified allegations.²⁷ Under a new expedited process, ICE forwarded these reports to the State Department for deportation without any further vetting, and the State Department then revoked protesters' visas or rendered them removable, also without conducting any meaningful vetting.²⁸ Trial testimony from senior State Department and ICE officials has revealed that the State Department's review process proceeded with astonishing speed. For instance, Mahmoud Khalil was arrested only one day after ICE issued a referral letter to the State Department, while Secretary Rubio approved the action memo on Mohsen Mahdawi's deportation only one day after ICE issued the referral letter.²⁹

While the precise number of students and scholars targeted for deportation because of their pro-Palestinian speech and advocacy is unknown, potentially hundreds have been targeted. On March 27, 2025, Secretary of State Rubio announced that he had revoked the F-1 student visas of more than 300 noncitizen students who participated in pro-Palestinian activism, stating "Every time I find one of these lunatics I take away their visa...we do it every day."³⁰ Though he appears to have walked back this statement following public scrutiny, according to New York Times reporting, nearly 300 international students had their visas revoked in retaliation for their political expression.³¹ On March 28, 2025, Secretary Rubio was asked whether all of the Trump administration's first 300 visa revocations were "related to pro-Palestinian protests," and he responded that most were, explaining, "What we have seen on campuses across the country where students literally cannot go to school, you cannot—buildings are being taken over, activities going on—this is clearly an organized movement. And if you are in this country on a student visa and are a participant in those movements, we have a right to deny your visa."³² He added, "We are not going to be importing activists into the United States. They're here to study. They're here to go to class. They're not here to lead activist movements that are disruptive and undermine the—our universities."³³

The Trump administration's targeted attacks on international students and faculty have had a notable chilling effect on student protests and impact on academic freedom. Students and their organizations, faculty, and university staff have been deterred from speaking and organizing on these issues. Activists also are understandably hesitant to engage in political expression criticizing Israel or advocating for Palestinian rights because they have reason to believe the federal government will actively investigate such expression in connection with harassment complaints and investigations.

The Trump Administration's arrests and threats to deport students and faculty solely because of their participation in pro-Palestine political protest is blatantly unconstitutional and is chilling student speech and advocacy across campuses, in violation of bedrock principles of international and regional human rights law.

Immigration Enforcement Based on Lawful Pro-Palestinian Advocacy and Protected Speech

The Trump administration has carried out these detentions and deportations pursuant to a viewpoint-discriminatory policy of retaliation against noncitizens with pro-Palestinian views. The policy is effectuated by abusing immigration law to punish and silence noncitizen students and scholars engaged in pro-Palestinian expression. The government's policy has characterized pro-Palestinian advocacy and speech critical of Israel as antisemitic and "pro-Hamas," without acknowledging that the speech it is targeting is lawful and constitutionally protected.

The Trump administration has claimed it has multiple pathways it believes it can take to deport pro-Palestinian protesters, including (1) revoking the visas or Student and Exchange Visitor Information System (SEVIS) status of students who engage in activities it claims are inconsistent with holding a student visa; (2) revoking the visas of students who endorse or espouse terrorist activity or terrorist organizations; and (3) revoking the visas or green cards of students whose presence or activities in the United States have serious foreign policy consequences. The administration has also attempted to rely on unfounded, pretextual, post-hoc allegations of immigration fraud or misrepresentation.³⁴

Based on public statements by Secretary Rubio and trial testimony by State Department and DHS officials, the agencies deem a broad spectrum of pro-Palestinian and anti-war statements, including constitutionally protected speech, to be "pro-Hamas" or antisemitic and therefore grounds for visa or green card revocation. In trial testimony, several ICE and State Department officials involved in executing the Trump administration's ideological deportation policy admitted that essentially any criticism of Israel could merit immigration consequences. For instance, a senior State Department official, John Armstrong, testified before a federal court that statements critical of Israel or U.S. foreign policy with respect to Israel could subject a visa or green card holder to deportation, including statements such as the phrase "From the river to the sea, Palestine will be free," as well as statements calling for an arms embargo on Israel or calling for limiting military aid to Israel.³⁵

Abuse of the "Foreign Policy Ground" of the Immigration and Nationality Act

In some cases, including the cases of Mahmoud Khalil, Mohsen Mahdawi, Dr. Badar Khan Suri, and Yunseo Chung, the Trump administration is trying to deport these individuals based on the Secretary of State's claim that their presence or activities could have "adverse foreign policy consequences" and would "compromise a compelling foreign policy interest," citing a rarely used provision of the Immigration and Nationality Act (INA).³⁶ Under the foreign policy provision, a noncitizen is inadmissible, and therefore deportable, if the Secretary of State "has reasonable ground to believe" that their "presence or activities" in the United States would have "potentially serious adverse foreign policy consequences for the United States."³⁷ The provision also states that individuals may not be excluded based on "past, current, or expected beliefs, statements, or associations [that] would be lawful in the United States unless the

Secretary of State personally determines that the [noncitizen]’s admission would compromise a compelling United States foreign policy interest.”³⁸

Until March 2025, the foreign policy provision had never been used to target a lawful permanent resident for their constitutionally protected political speech in the United States. The law’s legislative history makes clear that Congress expected this authority to be used sparingly and not merely because an individual might make critical remarks about the United States or its policies.³⁹ Congress did not intend this obscure INA provision, which authorizes the government to exclude or remove noncitizens on extraordinary foreign policy grounds, to be used to deport noncitizens for exercising their First Amendment rights.⁴⁰

In fact, the foreign policy ground is almost never invoked. In its court filings, the federal government has identified only four previous instances in which it has been used to remove noncitizens over the past three decades, none of which concerned domestic speech.⁴¹ In all that time, the law has never been cited to detain or deport any lawful permanent resident for their political beliefs—until it was used against Mr. Khalil.

Since then, the Trump administration has used it to argue that it has unlimited discretion to detain and deport any noncitizen whom the federal government considers a foreign policy risk for any reason—and that the federal courts are powerless to undertake timely review its decisions, even if they violate the First Amendment. Under this policy, Secretary of State Rubio would make determinations that the protestors’ presence or activities in the United States would compromise a compelling United States foreign policy interest. The Department of Homeland Security would effectuate these determinations by seeking to deport the protestors and would also further the policy of punishing and censoring the protestors by detaining them. This weaponization of immigration law is part of the Trump administration’s clear policy to retaliate against and punish noncitizens for their participation in protests and expression of views concerning Israel’s military campaign in Gaza, and to deter future such protests and expression.

Conclusion and Request

The United States cannot mandate expulsion of students or use its regulatory power to threaten funding cuts to coerce universities to prohibit or punish speech they could lawfully allow (in the case of private universities) or must allow (in the case of constitutionally protected speech at public universities). While the federal government can enforce Title VI to ensure a learning environment free from harassment, it cannot force universities into adopting restrictive speech codes that silence the viewpoints the government disfavors.

The proposed hearing would inform the Commission on the escalating threats to free speech and academic freedom and would provide important opportunity to hear from directly impacted individuals and communities, including students, professors, as well as from professional academic organizations, legal scholars and United Nations experts with relevant mandates. This honorable Commission has played a historic role in protecting free speech and

academic freedom in the OAS region and it must step up its engagement on this issue including through close monitoring and holding thematic and country hearings to ensure that the United States government is meeting its regional and international human rights obligations to preserve academic freedom and ensure protection for the rights to free speech and peaceful assembly on college and university campuses. The Commission would also have an opportunity to engage the government of the United States on the troubling backsliding in the protection of fundamental freedoms especially threats to academic freedom explicitly undermining the Inter-American Principles on Academic Freedom and University Autonomy.⁴²

Based on the aforementioned, and in accordance with Article 66 of the Rules of Procedure for the IACHR, the undersigned organizations respectfully request a hearing on “Suppression of Free Speech and Threats to Academic Freedom in the United States” at the IACHR’s 197th Period of Sessions.

Respectfully,

American Association of University Professors

American Civil Liberties Union

Jewish Voice for Peace

Muslim Advocates

Palestine Legal

¹ See, e.g., *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion, 2024 I.C.J. 1 (July 19, 2024), <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf> (classifying Gaza as an occupied territory); United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, Human Rights Council, A/80/337, Aug. 14, 2025, <https://docs.un.org/en/A/80/337> (classifying Gaza as an occupied territory).

² Amnesty International, ‘You Feel Like You Are Subhuman’: Israel’s Genocide Against Palestinians in Gaza, Dec. 5, 2024, <https://www.amnesty.org/en/documents/mde15/8668/2024/en/> (concluding that Israel has committed genocide against Palestinians in the occupied Gaza Strip). See also Amnesty International, *Post-Ceasefire: Israel’s Genocide in the Occupied Gaza Strip Continues* (Nov. 2025), <https://www.amnesty.org/en/documents/mde15/0527/2025/en/>.

³ B’Tselem, *Our Genocide* (July 2025), https://www.btselem.org/sites/default/files/publications/202507_our_genocide_eng.pdf; Physicians for Human Rights Israel, *Destruction of Conditions of Life: A Health Analysis of the Gaza Genocide* (July 2025), <https://www.phr.org.il/wp-content/uploads/2025/07/Genocide-in-Gaza-PHRI-English.pdf>; Human Rights Watch, *Extermination and Acts of Genocide* (Dec. 2024), <https://www.hrw.org/report/2024/12/19/extermiation-and-acts-genocide/israel-deliberately-depriving-palestinians-gaza> (concluding that Israeli authorities intentionally inflicted on the Palestinian population in Gaza “conditions of life calculated to bring about its physical destruction in whole or in part” and that “this policy, inflicted as part of a mass killing of Palestinian civilians in Gaza means Israeli authorities have committed the crime against humanity of extermination... which amounts to an ‘act of genocide’ under the Genocide Convention of 1948”).

⁴ United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, *Legal Analysis of the Conduct of Israel in Gaza Pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide*, Human Rights Council, A/HRC/60/CRP.3, Sept. 16, 2025, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session60/advance-version/a-hrc-60-crp-3.pdf> (concluding that Israel is responsible for committing genocide). The International Court of Justice is currently presiding over a landmark genocide case and while it has not yet concluded its main case determining whether Israel is committing genocide in Gaza, it found that Israel’s assault on the Palestinian people in Gaza plausibly constitutes genocide, and issued legally binding “provisional measures” ordering Israeli authorities to end the risk of violations of the Genocide Convention. *Application of Convention*

on Prevention and Punishment of Crime of Genocide in the Gaza Strip (*S. Afr. v. Isr.*), Provisional Measures Order, 2024 I.C.J. Rep. 3, ¶ 54 (Jan. 26, 2024), <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>. See also *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (S. Afr. v. Isr.)*, Order of May 24, 2024, 2024 I.C.J. 191; *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (S. Afr. v. Isr.)*, Order of Mar. 28, 2024, 2024 I.C.J. 135.

⁵ The ACLU and its affiliates are a U.S.-focused civil liberties and human rights organization and, as a matter of official policy, do not take positions on other nations' overseas conflicts.

⁶ See, e.g., Press Release, Am. Ass'n of Univ. Professors, *AAUP condemns wave of administrative policies intended to crack down on peaceful campus protest* (Aug. 14, 2024), <https://www.aaup.org/news/aaup-condemns-wave-administrative-policies-intended-crack-down-peaceful-campus-protest>.

⁷ Inter-Am. Comm'n H.R., Press Release No. 095/24, *United States Must Respect Peaceful Protest and Academic Freedom on Campuses* (May 9, 2024), https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2024/095.asp.

⁸ *Id.*

⁹ Inter-Am. Comm'n H.R., Press Release No. 065/25, *IACHR Concerned over United States' Measures that Impact the Effective Exercise of Human Rights* (Mar. 31, 2025), https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2025/065.asp.

¹⁰ *Id.*

¹¹ Am. Ass'n of Univ. Professors & Middle East Studies Ass'n, *Discriminating Against Dissent: The Weaponization of Civil Rights Law to Repress Campus Speech on Palestine* 9 (Nov. 2025), https://www.aaup.org/sites/default/files/2025-11/Discriminating-Against-Dissent_0.pdf.

¹² Press Release, U.S. Dep't of Health and Hum. Servs., HHS Civil Rights Office Finds Harvard University in Violation of Federal Civil Rights Law (Jun. 30, 2025), <https://www.hhs.gov/press-room/hhs-finds-harvard-in-violation.html>.

¹³ *Agency for Int'l Dev. v. All. for Open Soc'y Int'l, Inc.*, 570 U.S. 205, 214-15 (2013).

¹⁴ *Sweezy v. New Hampshire*, 354 U.S. 234, 263 (1957) (Frankfurter, J., concurring) (citation omitted).

¹⁵ *President & Fellows of Harvard Coll. v. U.S. Dep't of Health & Hum. Servs.*, No. 25-CV-10910-ADB, 2025 WL 2528380, at *27 (D. Mass. Sept. 3, 2025) (citing *Nat'l Rifle Ass'n of Am. v. Vullo*, 602 U.S. 175, 180-81 (2024)).

¹⁶ *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943) (holding "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."). This proposition stems from "the recognition that viewpoint discrimination [by the government] is uniquely harmful to a free and democratic society." *Vullo*, 602 U.S. at 187; see also *Rosenberger v. Rectors & Visitors of Univ. of Va.*, 515 U.S. 819, 830 (1995) (holding that viewpoint discrimination is presumptively unconstitutional). It has long been "clearly established that the First Amendment tolerates neither laws nor other means of coercion, persuasion or intimidation 'that cast a pall of orthodoxy' over the free exchange of ideas in the classroom." *Dube v. State Univ. of N.Y.*, 900 F.2d 587, 598 (2d Cir. 1990) (quoting *Keyishian v. Bd. of Regents*, 385 U.S. 589, 603 (1967)).

¹⁷ *Nat'l Rifle Ass'n of Am. v. Vullo*, 602 U.S. 175, 187 (2024) (holding "[A] government official cannot do indirectly what she is barred from doing directly: A government official cannot coerce a private party to punish or suppress disfavored speech on her behalf."). See also *Moody v. Netchoice, LLC*, 603 U.S. 700, 733 (2024) (noting that "In case after case, the [Supreme] Court has barred the government from forcing a private speaker to present views it wished to spurn in order to rejigger the expressive realm." (citing *Miami Herald Publ'g Co. v. Tornillo*, 418 U.S. 241 (1974), *Pac. Gas & Elec. Co. v. Pub. Utils. Comm'n of Cal.*, 475 U.S. 1 (1986), and *Hurley v. Irish-Am. Gay, Lesbian and Bisexual Grp. of Bos., Inc.*, 515 U.S. 557 (1995))).

¹⁸ "The Government may not deny a benefit to a person on a basis that infringes his constitutionally protected... freedom of speech even if he has no entitlement to that benefit," including by attempting to "regulate speech outside the contours of the federal program itself." *Agency for Int'l Dev.*, 570 U.S. at 214-15. It follows that "ideologically driven attempts to suppress a particular point of view are presumptively unconstitutional in funding, as in other contexts." *Rosenberger v. Rectors & Visitors of Univ. of Va.*, 515 U.S. 819, 830 (1995). Thus, "even in the provision of subsidies, the Government 'may not aim at the suppression of dangerous ideas'" or "disfavored viewpoints," *Nat'l Endowment for the Arts v. Finley*, 524 U.S. 569, 587 (1998) (quoting *Regan v. Tax'n with Representation of Wash.*, 461 U.S. 540, 550 (1983)), much less "'manipulate[]' [a subsidy] to have a 'coercive effect,'" *id.* (quoting *Ark. Writers' Project, Inc. v. Ragland*, 481 U.S. 221, 237 (1987) (Scalia, J., dissenting)).

¹⁹ Press Release, Am. Ass'n of Colleges and Univs., *A Call for Constructive Engagement* (Apr. 22, 2025), <https://www.aacu.org/newsroom/a-call-for-constructive-engagement>.

²⁰ Am. Ass'n of Univ. Professors, Written Statement Addressing the Crackdown on Palestine Advocacy and Speech, Follow-up to the Online Briefing Regarding the United Nations Universal Periodic Review of the United States of America (June 10, 2025). See also Am. Ass'n of Univ. Professors & Middle East Studies Ass'n, *supra* note 11.

²¹ Exec. Order No. 14161, 90 Fed. Reg. 8451, *Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats*, <https://perma.cc/82VD-C7ND> (Jan. 20, 2025).

²² Exec. Order No. 14188, 90 Fed. Reg. 8847, *Additional Measures to Combat Anti-Semitism*, <https://perma.cc/QF6W-2BMT> (Jan. 29, 2025).

²³ *Fact Sheet: President Donald J. Trump Takes Forceful and Unprecedented Steps to Combat Anti-Semitism*, THE WHITE HOUSE, <https://perma.cc/PX45-4WHM> (Jan. 30, 2025).

²⁴ Findings of Fact and Conclusions of Law, *American Association of University Professors v. Rubio*, No. 1:25-cv-10685 (D. Mass. Sept. 30, 2025), <https://knightcolumbia.org/documents/ahmr9jifap2>. See also Press Statement, Knight First Amendment Inst. at Columbia Univ., *In Landmark Ruling, Federal Court Says Trump Administration Violated First Amendment By Arresting, Attempting to Deport Foreign Citizens for Pro-Palestinian Advocacy* (Sept. 30, 2025), <https://knightcolumbia.org/content/in-landmark-ruling-federal-court-says-trump-administration-violated-first-amendment-by-deporting-foreign-citizens-for-pro-palestinian-advocacy>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.* See also Press Statement, Knight First Amendment Inst. at Columbia Univ., *Landmark Trial Ends, With Court's Ruling to Come; Record Uncovers New Details on Ideological Deportation Policy and Its Effects on Academic Life* (July 20, 2025),

<https://knightcolumbia.org/content/landmark-trial-ends-with-courts-ruling-to-come-record-uncovers-new-details-on-ideological-deportation-policy-and-its-effects-on-academic-life>.

³⁰ Ali Bianco, *Rubio says State Department has revoked more than 300 student visas*, POLITICO (Mar. 27, 2025), <https://www.politico.com/news/2025/03/27/marco-rubio-student-visas-palestine-00005141>; *Rubio says US may have revoked more than 300 visas*, REUTERS (Mar. 27, 2025), <https://www.reuters.com/world/us/rubio-says-us-may-have-revoked-more-than-300-visas-2025-03-27>.

³¹ Kate Selig & Halina Bennet, *The Trump Administration Revoked 800 Student Visas. Here Is What To Know*, N.Y. TIMES (Mar. 27, 2025), <https://www.nytimes.com/2025/03/27/us/students-trump-ice-detention.html>; Vimal Patel, Miriam Jordan, & Halina Bennet, *Nearly 300 Students Have Had Visas Revoked and Could Face Deportation*, N.Y. TIMES (Apr. 7, 2025), <https://www.nytimes.com/2025/04/07/us/student-visas-revoked-trump-administration.html>; see also Jamiles Lartey, *Trump is Targeting International Students Over Pro-Palestinian Protests. But Is It Legal?*, THE MARSHALL PROJECT (Apr. 5, 2025), <https://www.themarshallproject.org/2025/04/05/visa-immigration-first-amendment-protest-speech>.

³² Adam Sabes, *Trump Administration Begins New Wave of International Student Visa Revocations: ‘No One Has a Right to a Visa’*, FOX NEWS (Apr. 7, 2025), <https://www.foxnews.com/us/trump-administration-begins-new-wave-international-student-visa-revocations-no-one-has-right-visa>.

³³ *Id.*

³⁴ See, e.g., Memorandum of Law in Support of Petitioner’s Motion for Preliminary Injunction Regarding the Post-Hoc Charge at 1, *Khalil v. Trump*, No. 1:25-cv-01935 (D.N.J. July 9, 2025), ECF No. 345-1, <https://www.nyclu.org/uploads/2025/03/Khalil-ECF-345-1-Preliminary-Injunction-Memorandum-re-Post-Hoc-Charge-filed-7-9-25.pdf>.

³⁵ Findings of Fact and Conclusions of Law, *Am. Ass’n of Univ. Professors v. Rubio*, No. 1:25-cv-10685 at 50.

³⁶ For instance, in Mahmoud Khalil’s Notice to Appear, the government cited Section 237(a)(3)(C)(i) of the INA, stating that “the Secretary of State has reasonable ground to believe that [Khalil’s] presence or activities in the United States would have potentially serious adverse foreign policy consequences for the United States.” See Amended Petition for Writ of Habeas Corpus at 2-3, *Khalil v. Trump*, No. 1:25-cv-01935 (D.N.J. Mar. 13, 2025).

³⁷ 8 U.S.C. §§ 1182(a)(3)(C)(i), 1227(a)(4)(C)(i).

³⁸ 8 U.S.C. §§ 1182(a)(3)(C)(iii), 1227(a)(4)(C)(ii).

³⁹ 8 U.S.C. § 1182.

⁴⁰ Cong. Rsch. Serv., R48525, *Federal Preemption and State Authority to Deter the Presence of Unlawfully Present Aliens: An Overview and Issues for the 119th Congress* (May 6, 2025), <https://www.congress.gov/crs-product/R48525>; Julia Rose Kraut & Tyler McBrien, *The Trump Admin’s Embrace of Ideological Exclusion and Deportation*, LAWFARE (July 29, 2025), <https://www.lawfaremedia.org/article/the-trump-admin-s-embrace-of-ideological-exclusion-and-deportation>.

⁴¹ Findings of Fact and Conclusions of Law, *Am. Ass’n of Univ. Professors v. Rubio*, No. 1:25-cv-10685, at n.19 (D. Mass. Sept. 30, 2025), <https://knightcolumbia.org/documents/ahmr9jfap2>.

⁴² Inter-Am. Comm’n H.R., *Declaration of Inter-American Principles on Academic Freedom and University Autonomy* (Dec. 2021), https://www.oas.org/en/iachr/reports/questionnaires/2021_principiosinteramericanos_libertadacademica_autonomiauniversitaria_eng.pdf.