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# 5 Key Takeaways From ‘Ideological Deportation’ Trial

Government officials described how they found the names of pro-Palestinian student and faculty activists and gave insights into the confidential memos that led to their arrests.

By [Johanna Alonso](#)



Demonstrators gathered en masse to support Mahmoud Khalil when he was released from detention last month.

Andrew Lichtenstein/Corbis via Getty Images

**T**oday is the final day of the American Association of University Professors v. Rubio trial, in which the association, its chapters at Rutgers and Harvard Universities, and the Middle East Studies Association sued to stop the Trump administration from the “ideological deportation” of international students.

The lawsuit argues that the deportations violate international students’ right to free expression and their Fifth Amendment right not to have laws enforced against them arbitrarily or discriminatorily. It also claims that the arrests of student protesters chilled speech on campuses—something witnesses corroborated.

The trial, conducted during the last two weeks, revealed new details about the administration’s targeting of international students, including high profile cases like those of graduate students Mahmoud Khalil and Rümeysa Öztürk, who were detained by Immigration and Customs Enforcement in March. (Both have since been released.)

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Here are some of the key takeaways from the trial ahead of the parties' closing statements.

### **1. Dossiers about the targeted students included information about their protest activities.**

On Friday, John Armstrong, the most senior official at the State Department's Bureau of Consular Affairs, testified that the memos written by state department officials recommending deportation actions and visa revocations contained details about student and faculty members' activism.

The memos have been designated as for "attorneys' eyes only"—the most restrictive possible designation for sensitive information in a trial, which prevents even the plaintiffs and defendants from viewing them. But attorneys and witnesses quoted excerpts of them during the trial.

The action memo for Öztürk highlighted an op-ed she had co-written supporting a call for her institution, Tufts University, to divest from companies with ties to Israel, Armstrong said, according to trial transcripts published by the Knight First Amendment Institute at Columbia University, which is representing the plaintiffs. But he insisted that the op-ed was not a "key factor" in the decision to revoke her visa and detain her.

Another memo, regarding Columbia student activist Mohsen Mahdawi, specifically noted that “a court may consider his actions inextricably tied to speech protected under the First Amendment,” according to an excerpt read by Alexandra Conlon, an attorney for the plaintiffs.

## **2. Investigators weren’t given guidance about what constitutes antisemitism.**

The State Department hasn’t release any guidance as to what, exactly, should be considered antisemitism, Armstrong acknowledged on Friday. He also stated that, to his knowledge, the officials who have written action memos about protesters haven’t received any training about what constitutes antisemitism.

That’s significant, because at least one memo, Mahdawi’s, referred specifically to “antisemitic conduct.”

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“I do know that there’s a common understanding in our culture, in our society of what antisemitism is,” Armstrong said.

When U.S. District Judge William G. Young pushed him to describe that “common understanding,” he responded: “In my opinion, antisemitism is unjustified views, biases, or prejudices, or actions against Jewish people, or Israel, that are the result of hatred towards them.”

### **3. ICE officials leaned on the Canary Mission website to find students and professors to target.**

For over a decade, the anonymously operated site Canary Mission has been publishing the identities of students and professors they deem antisemitic. Several of those listed on the website, including Khalil, Mahdawi and Öztürk, have been targeted since the Trump administration began taking aim at student protesters.

On the third day of the trial, Peter Hatch, a senior ICE official, stated that “many of the names, even most of the names” on a list of noncitizen students presented to ICE’s “Tiger Team” for investigation came from the Canary Mission site.

Hatch said that other names came from Betar USA, the American chapter of an international Zionist organization,

which the Anti-Defamation League has labeled an extremist group.

#### **4. ICE agents said they prioritized the arrest of activists at the urging of their higher-ups.**

ICE agents who oversaw the arrests of Öztürk, Khalil, Mahdawi, and Badar Khan Suri, a Georgetown University professor, said last Tuesday that the cases were unusual not just because of the legal grounds on which the activists were detained but also because the orders came from high-ranking officials in the organization.

Patrick Cunningham, an agent with ICE's Homeland Security Investigations office in Boston, said that the agency's leaders were "inquiring" about Öztürk's case, leading his office to prioritize her arrest.

"I can't recall a time that it's come top-down like this with a Visa revocation, um, under my purview anyway," Cunningham said, according to the transcript. "And so with the superiors that were, you know, inquiring about this, it made it a priority, because we worked for them."

#### **5. Students and faculty confirmed they stopped protesting out of fear.**

Over the trial's first two days, five noncitizen faculty members took the stand to describe how news about activists being targeted had caused them to stop engaging in various political activities. They said they decided not to

attend protests or sign statements related to Israel's war in Gaza after hearing about Khalil's and Öztürk's arrests.

One Brown University professor, Nadjie Al-Ali, said she cancelled longstanding plans to travel to Beirut and Baghdad for research into women artists and gender-based violence in the Middle East.

“Following the arrest and the detention and the threat of deportation of several students, graduate students, and also I think one post-doc—I mean, most prominently Mahmoud Khalil but others as well—I started to think that it is not a good idea,” she said. “I felt that it was too risky for me to do research in the Middle East, come back, and then my pro-Palestinian speech would be flagged. And as a green card holder and also as a prior director for the Center For Middle East Studies that had been under attack, and there are a lot of sort of false allegations about, I felt very vulnerable.”;

The fear also extended beyond speech related to the Middle East; Al-Ali also refrained from attending a protest on No Kings Day, a massive day of demonstration that opposed President Donald Trump's policies in his second presidency, including cutting federal government offices, defunding research and social services, and his mass deportation campaign.

## Written By



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