

Congress of the United States
Washington, DC 20515

March 14, 2025

The Honorable Kristi Noem
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, D.C. 20528

The Honorable Marco Rubio
Secretary
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Secretary Noem and Secretary Rubio:

We write to express our grave concern over the constitutionally dubious use of an obsolete Cold War-era section of the Immigration and Nationality Act to have federal agents pick up a lawful permanent resident at his home, arrest him, and detain him simply for exercising his First Amendment right to free speech.

The Administration does not allege that Mr. Khalil has committed any crime nor that he has ever been charged with a crime.¹ Instead, the Trump Administration is relying on vague language in the Immigration and Nationality Act to strip Mr. Mahmoud Khalil of his green card by claiming his speech has somehow had ambiguous “foreign policy consequences” for the United States.² And the Administration has failed to provide any explanation of what deleterious foreign policy consequences Mr. Khalil has caused by exercising his free speech rights.

This deployment of a dusty old statutory section to punish speech is a dangerous attack on both the First Amendment and on all, including lawful permanent residents, who enjoy its protection. This maneuver evokes the Alien and Sedition Acts and McCarthyism. It is the playbook of authoritarians, not of elected officials in a democratic society who claim to be champions of free speech.

The First Amendment provides in pertinent part that “Congress shall make no law...abridging the freedom of speech...”³ The Constitution guarantees everyone in our country, including lawful permanent residents, the right to speak freely without fear of retribution from the government. The Supreme Court has found that political speech receives the greatest protection because “debate on public issues should be robust, uninhibited, and wide-open.”⁴ While this case is

¹ Gabe Kaminsky, *et. al.*, *The ICE Detention of a Columbia Student is Just the Beginning*, THE FREE PRESS (Mar. 10, 2025), <https://www.thefp.com/p/the-ice-detention-of-a-columbia-student>.

² Edward Wong, *et. al.* *Trump Administration Seeks to Expel a Green-Card Holder Over Student Protests*, N.Y. TIMES (Mar. 10, 2025), <https://www.nytimes.com/2025/03/10/us/trump-rubio-khalil-columbia-student-protests.html>; Immigration and Nationality Act (INA) § 237(a)(4)(C); Dep’t of Homeland Security, Notice to Appear for Mahmoud Khalil (Mar. 9, 2025) <https://www.washingtonpost.com/documents/8a3cbff6-4589-43e1-8455-042fa9555e3c.pdf>.

³ U.S. Const. amend. I.

⁴ *Snyder v. Phelps*, 562 U.S. 443, 452 (2011) (quoting *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964)).

ostensibly about Mr. Khalil's political speech about the war in Gaza, the case raises far broader concerns across the country about the silencing of political dissent. Weaponizing the immigration system to crush and chill protected free speech puts our nation on the side of authoritarian leaders like Vladimir Putin and Xi Jinping. We urge you to turn back before you suffer another stinging loss in court and visit terrible damage on the country.

We request that you respond to the following questions no later than March 27, 2025:

1. How many times has section 237(a)(4)(C) been used to place a lawful permanent resident in removal proceedings in the last 25 years?
2. What "reasonable grounds," including specific evidentiary grounds, did Secretary Rubio rely on to conclude that Mr. Khalil's "presence or activities in the United States ... would have potentially serious adverse foreign policy consequences for the United States?"
3. What specific "potentially serious adverse foreign policy consequences" did Secretary Rubio conclude Mr. Khalil's presence or activities in the United States posed?
4. Given that administration officials have told media that Mr. Khalil has not committed a crime, have you notified Congress of your use of this authority?

We further request that you provide, no later than March 27, 2025, any documents, including legal memoranda, setting forth the "reasonable grounds" for Secretary Rubio's finding that Mr. Khalil's "presence or activities in the United States would have potentially serious adverse foreign policy consequences for the United States," including the specific legal and evidentiary bases for this finding.

While there may be disagreement with Mr. Khalil's speech, it is his Constitutional right in our democracy to express his political views. That is why every American should be outraged by this brazen attempt to use the power of the United States government to silence and punish people who do not agree with the sitting President. President Trump has said Mr. Khalil's arrest and attempted removal is the "first of many." Silencing dissent is the work of despots, not democracies.

Sincerely,



Pramila Jayapal
Ranking Member
Subcommittee on
Immigration Integrity,
Security, and Enforcement



Jamie Raskin
Ranking Member
House Committee on the
Judiciary



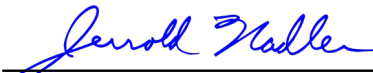
Mary Gay Scanlon
Member of Congress



James P. McGovern
Member of Congress



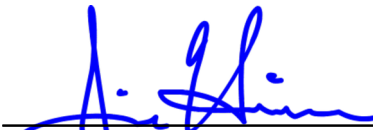
Nancy Pelosi
Member of Congress



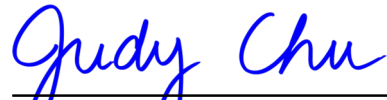
Jerrold Nadler
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Yvette D. Clarke
Member of Congress



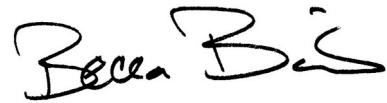
Jim Himes
Member of Congress



Judy Chu
Member of Congress



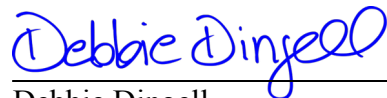
Alexandria Ocasio-Cortez
Member of Congress



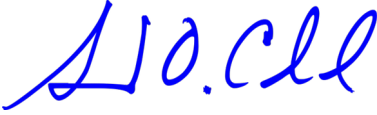
Becca Balint
Member of Congress



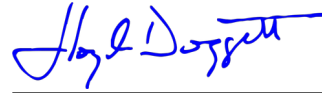
Madeleine Dean
Member of Congress



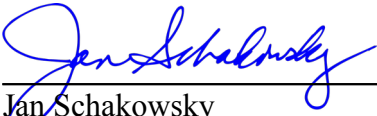
Debbie Dingell
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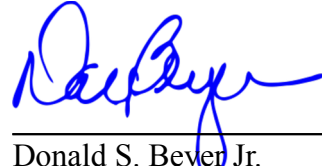
Salud Carbajal
Member of Congress



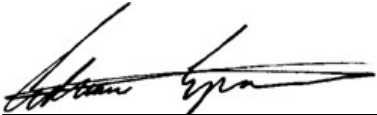
Lloyd Doggett
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Jan Schakowsky
Member of Congress



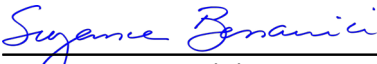
Donald S. Beyer Jr.
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Adriano Espaillat
Member of Congress



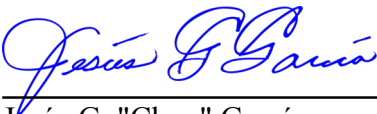
Troy A. Carter, Sr.
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Suzanne Bonamici
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Dwight Evans
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Andre Carson
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Betty McCollum
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Sean Casten
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Ro Khanna
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Joaquin Castro
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Veronica Escobar
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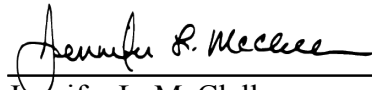
Sam T. Liccardo
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Jennifer L. McClellan
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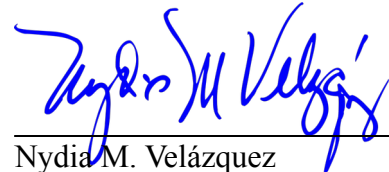
Ami Bera, M.D.
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Eleanor Holmes Norton
Member of Congress



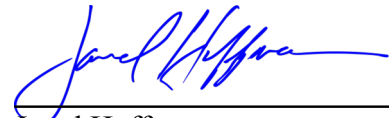
Gwen S. Moore
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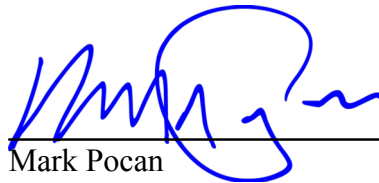
Nydia M. Velázquez
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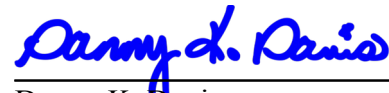
Ilhan Omar
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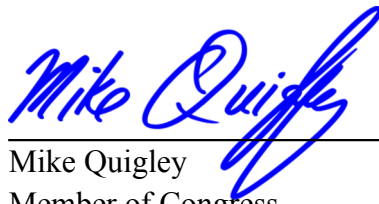
Jared Huffman
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Mark Pocan
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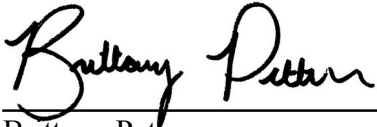
Danny K. Davis
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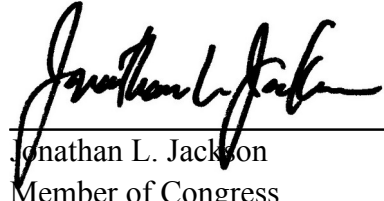
Mike Quigley
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Val Hoyle
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Brittany Pettersen
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Jonathan L. Jackson
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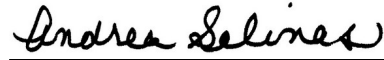
Kevin Mullin
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Diana DeGette
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Delia C. Ramirez
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Andrea Salinas
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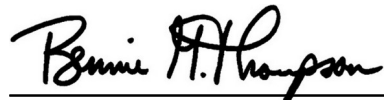
Steve Cohen
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Maxine Dexter
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Sylvia R. Garcia
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Bennie G. Thompson
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Rashida Tlaib
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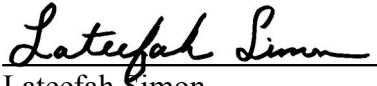
Summer L. Lee
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Sydney Kamlager-Dove
Member of Congress



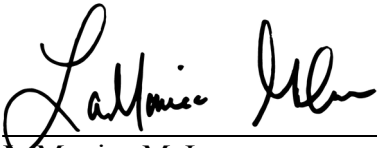
John Garamendi
Member of Congress



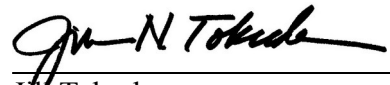
Lateefah Simon
Member of Congress



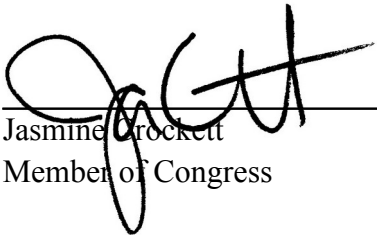
Ayanna Pressley
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LaMonica McIver
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Jasmine Crockett
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Mark DeSaulnier
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MARK TAKANO
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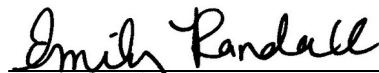
Maxwell Alejandro Frost
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Melanie Stansbury
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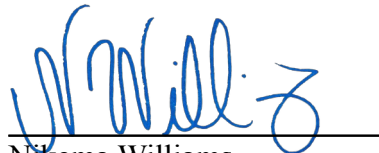
Bonnie Watson Coleman
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Emily Randall
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Zoe Lofgren
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Nikema Williams
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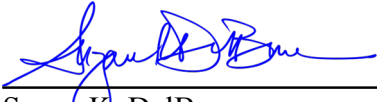
Robert Garcia
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Laura Friedman
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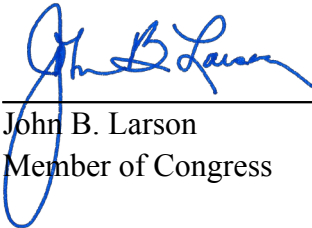
Al Green
Member of Congress
Scion of the Enslaved
Africans -
Sacrificed to Make America
Great



Suzan K. DelBene
Member of Congress



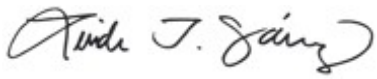
Chellie Pingree
Member of Congress



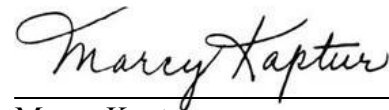
John B. Larson
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Mike Thompson
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Linda T. Sánchez
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Marcy Kaptur
Member of Congress



Lori Trahan
Member of Congress



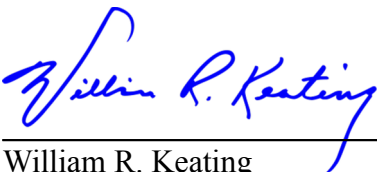
Adam Smith
Member of Congress



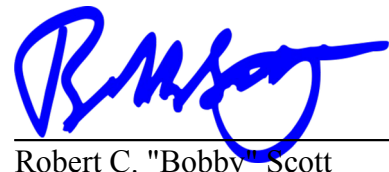
Herbert C. Conaway, Jr.
Member of Congress



Deborah K. Ross
Member of Congress



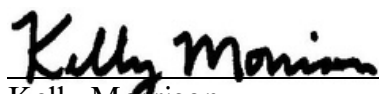
William R. Keating
Member of Congress



Robert C. "Bobby" Scott
Member of Congress



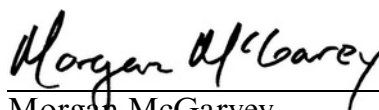
Dave Min
Member of Congress



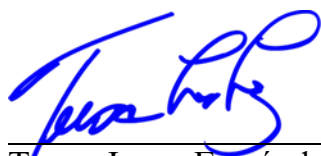
Kelly Morrison
Member of Congress



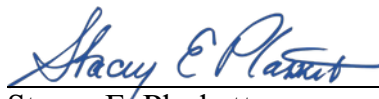
Jahana Hayes
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Morgan McGarvey
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Teresa Leger Fernández
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Stacey E. Plaskett
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Julie Johnson
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Nellie Pou
Member of Congress