

Congress of the United States

Washington, DC 20515

March 20, 2026

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

The Honorable Kristi Noem
Secretary
U.S. Department of Homeland Security
3801 Nebraska Ave NW
Washington, DC 20016

Dear Secretary Rubio, Secretary Noem,

We are writing to express our deep concern with the continued targeting of Mr. Mahmoud Khalil because of his protected speech under the First Amendment. Mr. Khalil is a legal permanent resident who is the father and husband of United States citizens.

Evidence overwhelmingly demonstrates that the Administration's detention of and efforts to deport Mr. Khalil have violated his constitutional rights to free speech and due process. As you know, Mr. Khalil has challenged the constitutionality of the government's actions. His appeals are ongoing, and he must be afforded the opportunity to have his case heard.

The Columbia University protests attended by Mr. Khalil and cited by you as a basis for his deportation were overwhelmingly non-violent expressions of views in opposition to the conduct of the Israeli government in Gaza. In fact, a Department of State cable discussing options to deport Mr. Khalil notes, "we are not aware of any prior arrests or citations for Khalil regarding unlawful activity."¹ The United States has a long and proud history of non-violent student protests, such as those in opposition to Jim Crow discrimination or the Vietnam War. While actual criminal violence undertaken for political purposes can and must be prosecuted, the nonviolent expression of political views at public protests is clearly protected by the Constitution. Yet, that is the whole basis for this harassment and persecution campaign. Indeed, at no time since Mr. Khalil's arrest last year has the administration claimed that it has relied on anything other than Mr. Khalil's First Amendment protected speech to target him.

These protests advanced policy positions that were in line with views of countless millions of Americans, likely a majority according to public opinion polling at the time, on issues such as support for humanitarian aid in Gaza and disapproval of Israeli military actions.² Yet, you have made legal claims that the expression of these same views by students in the United States

¹ U.S. Department of State Senior Bureau Official John Armstrong, "Action Memo for the Secretary: (SBU) Removal of Yunseo Chung and Mahmoud Khalil, both U.S. LPRs, under Section 237(a)(4)(C) of the Immigration and Nationality Act (INA)," memorandum, March 8, 2025, <https://storage.courtlistener.com/recap/gov.uscourts.mad.282460/gov.uscourts.mad.282460.315.18.pdf>

² Gallup, *Majority in U.S. Now Disapprove of Israeli Action in Gaza* (online at <https://news.gallup.com/poll/642695/majority-disapprove-israeli-action-gaza.aspx>) (accessed Feb. 10, 2026); Pew Research Center, *Views of the U.S. role in the Israel-Hamas War* (online at <https://www.pewresearch.org/2024/03/21/views-of-the-u-s-role-in-the-israel-hamas-war/>) (accessed Feb. 10, 2026).

represented a credible threat to the foreign policy interests of the United States. Federal Judge William Young found in January that you engaged with the President in an “unconstitutional conspiracy” against Mr. Khalil and other students like him for their advocacy against the war in Gaza, noting that “These cabinet secretaries have failed in their sworn duty to uphold the Constitution.”³

We urge you to end all attempts to punish Mr. Khalil for his constitutionally-protected activities. At a minimum, you must ensure your Departments fulfill their constitutional and statutory duties and afford Mr. Khalil the opportunity to have his current habeas case heard in full.

Sincerely,



Peter Welch
Ranking Member,
Subcommittee on the
Constitution
U.S. Senate Committee on
the Judiciary



Richard J. Durbin
United States Senator
Ranking Member, Senate
Committee on the Judiciary



Jamie Raskin
Ranking Member
House Committee on the
Judiciary



Mary Gay Scanlon
Member of Congress



Elizabeth Warren
United States Senator



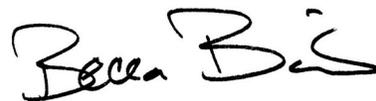
James P. McGovern
Member of Congress



Pramila Jayapal
Member of Congress



Chris Van Hollen
United States Senator



Becca Balint
Member of Congress

³ Zach Montague, *D.H.S. Cited Foreign Students' Writings and Protests Before Their Arrests*, The New York Times (Jan. 22, 2026) (online at <https://www.nytimes.com/2026/01/22/us/politics/trump-rubio-student-speech.html>).



Cory A. Booker
United States Senator



Alexandria Ocasio-Cortez
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Ron Wyden
United States Senator



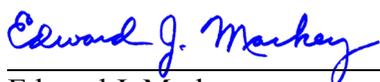
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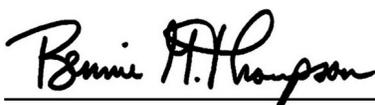
Delia C. Ramirez
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United States Senator



Jesús G. "Chuy" García
Member of Congress



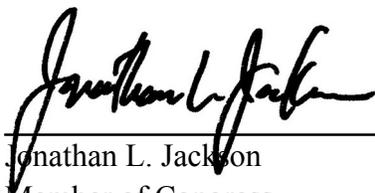
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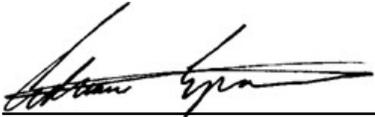
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Maxwell Alejandro Frost
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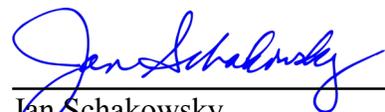
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