

1 Marc Van Der Hout (Cal. Bar #80778)
2 Johnny Sinodis (Cal. Bar #290402)
3 Oona Cahill (Cal. Bar #354525)
4 **VAN DER HOUT LLP**
5 360 Post Street, Suite 800
6 San Francisco, CA 94108
7 Telephone: (415) 981-3000
8 Facsimile: (415) 981-3003
9 Email: ndca@vblaw.com

Conor T. Fitzpatrick (Mich. Bar #P78981)*
Daniel A. Zahn (D.C. Bar #90027403)*
**FOUNDATION FOR INDIVIDUAL
RIGHTS AND EXPRESSION (FIRE)**
700 Pennsylvania Avenue SE, Suite 340
Washington, DC 20003
Telephone: (215) 717-3473
Email: conor.fitzpatrick@thefire.org
Email: daniel.zahn@thefire.org

Colin P. McDonell (Cal. Bar #289099)
**FOUNDATION FOR INDIVIDUAL
RIGHTS AND EXPRESSION (FIRE)**
510 Walnut Street, Suite 900
Philadelphia, PA 19106
Telephone: (215) 717-3473
Email: colin.mcdonell@thefire.org

*Pro hac vice application pending

Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

17 THE STANFORD DAILY PUBLISHING
18 CORPORATION, JANE DOE, and JOHN
19 DOE,

Plaintiffs,

v.

22 MARCO RUBIO, in his official capacity as
23 Secretary of State, and

24 KRISTI NOEM, in her official capacity as
25 Secretary of Homeland Security,

Defendants.

Case No. 5:25-cv-06618

**DECLARATION OF CONOR
FITZPATRICK IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION AND
PRELIMINARY FACTUAL FINDINGS
AND LEGAL CONCLUSIONS**

1 I, Conor Fitzpatrick, declare as follows:

2 1. I am a Supervising Senior Attorney at the Foundation for Individual Rights and
3 Expression (FIRE). I am a licensed attorney in good standing in Michigan and the District of
4 Columbia, and I appear on behalf of Plaintiffs in the present case. My pro hac vice application to
5 this Court is pending.

6 2. I submit this declaration in support of Plaintiffs’ motion for a preliminary injunction
7 and preliminary factual findings and legal conclusions.

8 3. Attached as **Exhibit A** to this declaration is a true and accurate copy of an article
9 titled “Trump Told Donors He Will Crush Pro-Palestinian Protests, Deport Demonstrators”
10 published by the *Washington Post* on May 27, 2024. The article is available at
11 <https://www.washingtonpost.com/politics/2024/05/27/trump-israel-gaza-policy-donors/>
12 [<https://perma.cc/NQ6B-WQ27>].

13 4. Attached as **Exhibit B** to this declaration is a true and accurate copy of an article
14 titled “Trump, Citing Hamas Attacks, Vows Sweeping Immigration Crackdown If Elected”
15 published by CNN on October 17, 2023. The article is available at
16 <https://www.cnn.com/2023/10/16/politics/trump-immigration-crackdown> [[https://perma.cc/NY4V-](https://perma.cc/NY4V-JTAW)
17 [JTAW](https://perma.cc/NY4V-JTAW)].

18 5. Attached as **Exhibit C** to this declaration is a true and accurate copy of a fact sheet
19 titled “Fact Sheet: President Donald J. Trump Takes Forceful and Unprecedented Steps to Combat
20 Anti-Semitism” published by the White House on January 30, 2025. The fact sheet is available at
21 [https://www.whitehouse.gov/fact-sheets/2025/01/fact-sheet-president-donald-j-trump-takes-](https://www.whitehouse.gov/fact-sheets/2025/01/fact-sheet-president-donald-j-trump-takes-forceful-and-unprecedented-steps-to-combat-anti-semitism/)
22 [forceful-and-unprecedented-steps-to-combat-anti-semitism/](https://www.whitehouse.gov/fact-sheets/2025/01/fact-sheet-president-donald-j-trump-takes-forceful-and-unprecedented-steps-to-combat-anti-semitism/) [<https://perma.cc/GY4H-7ASR>].

23 6. Attached as **Exhibit D** to this declaration is a true and accurate copy of excerpts from
24 the first volume of trial transcripts recording testimony heard on July 18, 2025, in *American*
25 *Association of University Professors v. Rubio*, No. 25-cv-10685 (D. Mass.). The full volume of trial
26 transcripts is available at <https://knightcolumbia.org/documents/qov536jek1>
27 [<https://perma.cc/S854-PXXK>].

28

1 7. Attached as **Exhibit E** to this declaration is a true and accurate copy of an X post
2 published by Marco Rubio on March 9, 2025. The post is available at
3 <https://x.com/marcorubio/status/1898858967532441945?lang=en> [<https://perma.cc/726Z-VT4Z>].

4 8. Attached as **Exhibit F** to this declaration is a true and accurate copy of a Truth Social
5 post published by Donald Trump on March 10, 2025. The post is available at
6 <https://truthsocial.com/@realDonaldTrump/posts/114139222625284782> [[https://perma.cc/6VPC-](https://perma.cc/6VPC-AESU)
7 [AESU](https://perma.cc/6VPC-AESU)].

8 9. Attached as **Exhibit G** to this declaration is a true and accurate copy of an article
9 titled “Op-Ed: Try Again, President Kumar: Renewing Calls for Tufts to Adopt March 4 TCU
10 Senate Resolutions” published by the Tufts Daily on March 26, 2024. The article is available at
11 <https://www.tuftsdaily.com/article/2024/03/4ftk27sm6jkj> [<https://perma.cc/APL5-PSHG>].

12 10. Attached as **Exhibit H** to this declaration is a true and accurate copy of an X post
13 published by Tricia McLaughlin on May 8, 2025. The post is available at
14 <https://x.com/TriciaOhio/status/1920485393390027131> [<https://perma.cc/5ZJ3-4VUU>].

15 11. Attached as **Exhibit I** to this declaration is a true and accurate copy of the Canary
16 Mission’s “Our Mission” webpage from July 29, 2025. It is available at
17 <https://canarymission.org/about> [<https://perma.cc/69DB-REX3>].

18 12. Attached as **Exhibit J** to this declaration is a true and accurate copy of the second
19 volume of trial transcripts recording testimony heard on July 9, 2025, in *American Association of*
20 *University Professors v. Rubio*, No. 25-cv-10685 (D. Mass.). The trial transcripts are available at
21 <https://knightcolumbia.org/documents/nuqkur34f7> [<https://perma.cc/PCL4-6YTQ>].

22 13. Attached as **Exhibit K** to this declaration is a true and accurate copy of excerpts from
23 the first volume of trial transcripts recording testimony heard on July 9, 2025, in *American*
24 *Association of University Professors v. Rubio*, No. 25-cv-10685 (D. Mass.). The full volume trial
25 transcripts is available at <https://knightcolumbia.org/documents/1ouo2w6t6b>
26 [<https://perma.cc/98ZJ-XJZD>].

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28

1 14. Attached as **Exhibit L** to this declaration is a true and accurate copy of the Canary
2 Mission’s “Mahmoud Khalil” webpage on July 29, 2025. It is available at
3 https://canarymission.org/individual/Mahmoud_Khalil [<https://perma.cc/5MPG-P7XU>].

4 15. Attached as **Exhibit M** to this declaration is a true and accurate copy of the Canary
5 Mission’s “Rumeysa Ozturk” webpage on July 29, 2025. It is available at
6 https://canarymission.org/individual/Rumeysa_Ozturk [<https://perma.cc/V2W9-VZK3>].

7 16. Attached as **Exhibit N** to this declaration is a true and accurate copy of the Canary
8 Mission’s “Mohsen Mahdawi” webpage on July 29, 2025. It is available at
9 https://canarymission.org/individual/Mohsen_Mahdawi [<https://perma.cc/JF5M-9REQ>].

10 17. Attached as **Exhibit O** to this declaration is a true and accurate copy an X post
11 published by Stephen Miller on July 29, 2025. It is available at
12 <https://x.com/stephenm/status/1950362892210934097?s=46&t=eLEzeczAjUUXflGoCfzCXow>
13 [<https://perma.cc/U9JN-FQK7>].

14
15 I declare under penalty of perjury that the foregoing is true and correct.

16
17 Executed on August 6, 2025.

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Conor Fitzpatrick

EXHIBIT A

Democracy Dies in Darkness

Trump told donors he will crush pro-Palestinian protests, deport demonstrators

Trump has waffled on whether the Israel-Gaza war should end. But speaking to wealthy donors behind closed doors, he said that he supports Israel's right to continue "its war on terror."

May 27, 2024 More than **1 year ago**

By [Josh Dawsey](#), [Karen DeYoung](#) and [Marianne LeVine](#)

Former president Donald Trump promised to crush pro-Palestinian protests on college campuses, telling a roomful of donors — a group that he joked included "98 percent of my Jewish friends" — that he would expel student demonstrators from the United States, according to participants in the roundtable event with him in New York.

"One thing I do is, any student that protests, I throw them out of the country. You know, there are a lot of foreign students. As soon as they hear that, they're going to behave," Trump said on May 14, according to donors at the event.

When one of the donors complained that many of the students and professors protesting on campuses could one day hold positions of power in the United States, Trump called the demonstrators part of a "radical revolution" that he vowed to defeat. He praised the New York Police Department for clearing the campus at Columbia University and said other cities needed to follow suit, saying "it has to be stopped now."

"Well, if you get me elected, and you should really be doing this, if you get me reelected, we're going to set that movement back 25 or 30 years," he said, according to the donors, who spoke on the condition of anonymity to detail a private event.

Trump has waffled publicly about whether Israel should continue its war in Gaza, saying "get it over with ... get back to peace and stop killing people." Major Republican donors have lobbied him in recent months to take a stronger stance backing Israel and its prime minister, Benjamin Netanyahu.

The private New York meeting offers new insight into his current thinking. Speaking to wealthy donors behind closed doors, Trump said that he supports Israel's right to continue "its war on terror" and boasted of his White House policies toward Israel.

The former president didn't mention Netanyahu, whom he resents for acknowledging Joe Biden's victory in 2020 and hasn't spoken to in years.

Trump has offered few policy specifics about how he would treat Israel in a second term. He cast doubt on the viability of an independent Palestinian state in a recent [Time magazine interview](#), saying he was "not sure a two-state solution anymore is gonna work," adding: "there may not be another idea." A two-state solution to the Israeli-Palestinian conflict has been the end goal of U.S. policy under Democratic and Republican presidents for decades.

Trump's campaign did not respond to detailed questions about The Washington Post's reporting. "When President Trump is back in the Oval Office, Israel will once again be protected, Iran will go back to being broke, terrorists will be hunted down, and the bloodshed will end," Karoline Leavitt, the campaign's national press secretary, wrote in an email.

Both Trump and Biden have struggled with the politics of the Israeli-Palestinian conflict on the campaign trail. Biden's base is deeply divided on the Israel-Gaza war, but Trump's rhetoric on the subject has limited his ability to capitalize on his opponent's problems.

Trump has repeatedly claimed in public statements and interviews that Hamas's Oct. 7 attack on Israel, which sparked the Gaza war, would have never happened if he were president.

But he has also criticized Israel's approach to the war, albeit in somewhat confusing terms. In a March interview with the Israeli newspaper Israel Hayom, Trump said, "You have to finish up your war. To finish it up. You gotta get it done." In April, he argued the war was bad for Israel's image, telling conservative talk show radio host Hugh Hewitt that Israel is "absolutely losing the PR war."

Trump took a different tone in the meeting with donors. Instead of saying it was time to wrap up the war, he said he supported Israel's right to continue its attack on Gaza.

"But I'm one of the only people that says that now. And a lot of people don't even know what October 7th is," Trump said.

Trump repeatedly listed for the donors everything he believed he had done for Israel in the White House. He moved the U.S. Embassy to Jerusalem, bucking decades of U.S. policy. He recognized the Golan Heights, which Israel seized from Syria in 1967, as an integral part of Israel after what he said was a five-minute conversation with David Friedman, his ambassador there.

He also polled the room if they liked Friedman.

"So I did Golan Heights. You know that's worth \$2 trillion, they said, that piece, if you put it in real estate terms. But it's worth more than that. It is," Trump said, according to donors present.

Israel, Trump argued, needs his help. Street demonstrations for Israel get smaller crowds than his rallies, he said. In Washington, and particularly in Congress, "Israel is losing its power," he added. "It's incredible."

The former president repeatedly expressed frustration that Jewish Americans did not vote for him as much as he believes they should, the donors said.

"But how can a Jewish person vote for a Democrat, and Biden in particular — but forget Biden. They always let you down," he said, referring to Democrats.

Trump has made similar comments in public, occasionally triggering backlash. Some Jewish Americans have said that his rhetoric evokes the antisemitic idea that [American Jews are more loyal to their religion or to Israel than to the United States](#).

Several influential Republican donors, including Miriam Adelson, have pressed Trump to publicly express support not only for Israel but also for Netanyahu, its embattled leader.

Trump never mentioned Netanyahu at the roundtable. But he has frequently complained about Netanyahu in public — particularly after the Israeli prime minister acknowledged Biden's victory in the 2020 election even as Trump was still fiercely challenging the results.

"Bibi Netanyahu rightfully has been criticized for what took place on October 7," Trump told Time, referring to the Israeli government's [failure to prevent](#) the surprise attack, in which Hamas militants killed about 1,200 Israelis and took 253 hostage. He also recalled that he had "a bad experience with Bibi," claiming that Israel had planned to participate in the 2020 U.S. strike that killed Iranian Gen. Qasem Soleimani but backed out at the last minute.

Trump's annoyance with Netanyahu dates to his time in the White House and his frustration that he felt he did not get enough credit for what he did for Israel and its leader when he was in office, John Bolton, Trump's former national security adviser, said in an interview.

"He doesn't like Netanyahu ... it's because Bibi is one of the premier democratic politicians in the world in terms of getting publicity about himself and Trump resents that," said Bolton, a frequent Trump critic. "Trump fundamentally sees Netanyahu as getting credit for things Trump thinks he ought to get credit for."

Until the 2020 election, the two leaders had a close working relationship, according to one person familiar with their relationship, who spoke on the condition of anonymity to describe the leaders' private conversations. But Trump was "taken aback" by a video Netanyahu made congratulating Biden on his victory. Trump, this person said, thought the video was a "little too cordial."

Sen. Lindsey Graham (R-S.C.), a Trump ally and sometimes critic, didn't directly address Trump's comments about Israel when asked about them in an interview. But he offered a broad assessment.

"We can have our opinions about our allies but I think they're in the middle of a fight for their life, there'll be plenty of time for the accountability to be had," he said. "The best route to deliver that accountability will be the Israeli people."

Trump and Netanyahu's relationship will "continue to prosper and flourish" if they're both in office at the same time again, Matthew Brooks, chief executive of the Republican Jewish Coalition, said in an interview.

"He's giving the Israelis a blank check to go in and do what they need to do to destroy Hamas and eliminate the threat in Gaza from Hamas. And what he's also saying, which is actually true, he said 'but do it quickly' because time is not Israel's ally right now," Brooks said.

"President Biden stands against antisemitism and is committed to the safety of the Jewish community, and security of Israel. Donald Trump does not," James Singer, a spokesman for the Biden campaign, said in a statement earlier this month.

Top Trump allies recently visited Israel for meetings with Netanyahu and other officials in a delegation headed by Robert O'Brien, another of Trump's former White House national security advisers. The trip was organized by the pro-Israel American Israel Public Affairs Committee, and the group did not come bearing messages from Trump or speaking on behalf of the Trump administration, said Ed McMullen, who served as U.S. ambassador to Switzerland under the Trump administration.

The group watched gruesome footage of the Oct. 7 attack and toured parts of the country where Israelis had been killed or kidnapped, making for an "educational visit that was life-changing," McMullen said. The group is likely to debrief Trump on the trip at some point, he added.

At the donor roundtable, Trump said he had studied Jewish history and had thoughts about this moment in U.S. history.

"And you know, you go back through history, this is like just before the Holocaust. I swear. If you look, it's the same thing," Trump said. "You had a weak president or head of the country. And it just built and built. And then, all of a sudden, you ended up with Hitler. You ended up with a problem like nobody knew."

What readers are saying

The comments reflect a strong opposition to Donald Trump, with many expressing concerns about his potential re-election and the implications for democracy and civil rights. Several comments draw parallels between Trump and historical fascist leaders, emphasizing fears of... [Show more](#)

This summary is AI-generated. AI can make mistakes and this summary is not a replacement for reading the comments.

EXHIBIT B

Trump, citing Hamas attacks, vows sweeping immigration crackdown if elected

By [Kate Sullivan](#), CNN

© 3 min read · Updated 10:36 AM EDT, Tue October 17, 2023



Republican presidential candidate former President Donald Trump speaks to guests during a campaign event at the Dallas County Fairgrounds on October 16, 2023 in Adel, Iowa. Trump also spoke at a rally in Clive, Iowa, the same afternoon. Scott Olson/Getty Images

(CNN) — Former President [Donald Trump](#) said Monday that if elected again to the White House, he would reinstate and expand a travel ban on people from predominantly Muslim countries, suspend refugee resettlements and aggressively deport those whom he characterized as having “jihadist sympathies.”

During a campaign event in Clive, Iowa, Trump pointed to the [deadly attacks by Hamas in Israel](#) and raised fears about a potential assault on the US as he sought to make the case for his hard-line immigration policies. His proposals would amount to a sweeping overhaul of America’s immigration system and would almost certainly face legal challenges if implemented.

During his presidency, Trump’s travel ban was a signature policy that limited travelers from seven predominantly Muslim countries: Iran, Libya, Iraq, Sudan, Somalia, Syria and Yemen. The administration later extended the travel ban to include several African countries. President [Joe Biden](#) revoked the travel ban [after he took office in 2021](#).

Trump said Monday that he would implement “strong ideological screening of all immigrants to the United States” and said the US would block “dangerous lunatics, haters, bigots and maniacs to get residency in our country.”

He also said he would ban travel from Gaza, Syria, Somalia, Yemen, Libya” or anywhere else that threatens our security.”

The former president said he would revoke student visas of “radical anti-American and antisemitic foreigners” enrolled in US colleges and universities and deport them. Trump

criticized pro-Palestinian protests and said he would send Immigration and Customs Enforcement officers to what he described as “pro-jihadist demonstrations.”

“We have to protect our own country,” Trump said.

Republican presidential candidates have sought to position themselves as steadfast supporters of Israel after Hamas launched a deadly surprise attack on the country, which then declared war on the terrorist group. Trump has denounced the attacks and expressed support for Israel, but he received considerable backlash from his GOP rivals and others last week for criticizing Israeli Prime Minister Benjamin Netanyahu and saying Netanyahu was caught unprepared by Hamas’ attack. Trump also praised the Iran-backed Lebanese militant group Hezbollah as “very smart.”

Trump and his team have since backtracked, including saying in a statement, “There was no better friend or ally of Israel” than the former president. He also posted on social media, “#StandWithBibi,” a reference to Netanyahu’s nickname.

Other Republican presidential candidates on Monday called for revoking student visas and deporting foreign nationals in the US who have aligned themselves with Hamas. The escalating rhetoric by GOP candidates comes as the Israel-Hamas conflict deepens and the death toll from the war sharply climbs.

“Anyone who stands up and says they want to kill Jews, they support terrorism, they should have that visa revoked,” Sen. Tim Scott of South Carolina said in a radio interview on “The Sean Hannity Show.”

Florida Gov. Ron DeSantis also endorsed such a proposal, saying on “The Guy Benson Show” that he thought if someone on a visa expressed support for Hamas, “You don’t have a right to be here on a visa, you don’t have a right to be studying in the United States.”

DeSantis was responding to a question about whether he supported Republican Sen. Marco Rubio of Florida asking US Secretary of State Antony Blinken over the weekend to revoke immigrant visas of recipients in the US who have endorsed terrorist activity by Hamas.

CNN’s Kristen Holmes contributed to this story.

EXHIBIT C

 The WHITE HOUSE 

FACT SHEETS

Fact Sheet: President Donald J. Trump Takes Forceful and Unprecedented Steps to Combat Anti-Semitism

The White House

January 30, 2025

COMBATING ANTI-SEMITISM IN THE UNITED STATES: Today, President Donald J. Trump signed an Executive Order to Combat Anti-Semitism.

- Expanding on his Executive Order 13899, President Trump's new Order takes forceful and unprecedented steps to marshal all Federal resources to combat the explosion of anti-Semitism on our campuses and in our streets since October 7, 2023.
- Every Federal executive department and agency leader will review and report to the White House within sixty days on *all* criminal and civil authorities and actions available for fighting anti-Semitism.
- Immediate action will be taken by the Department of Justice to protect law and order, quell pro-Hamas vandalism and intimidation, and investigate and punish anti-Jewish racism in leftist, anti-American colleges and universities.
- The Order demands the removal of resident aliens who violate our laws.

GOING ON OFFENSE TO ENFORCE LAW AND ORDER AND TO PROTECT CIVIL RIGHTS:

Immediately after the jihadist terrorist attacks against the people of Israel on October 7, 2023, pro-Hamas aliens and left-wing radicals began a campaign of intimidation, vandalism, and violence on the campuses and streets of America.

- Celebrating Hamas' mass rape, kidnapping, and murder, they physically blocked Jewish Americans from attending college classes, obstructed synagogues and assaulted worshippers, and vandalized American monuments and statues.
- The Biden Administration turned a blind eye to this coordinated assault on public order; it simply refused to protect the civil rights of Jewish Americans, especially students. According to a December 2024 [U.S. House of Representatives Staff Report](#) on anti-Semitism, "the failure of our federal government departments and agencies is astounding."

PRESIDENT TRUMP KEEPS HIS PROMISES AND BUILDS ON HIS SUCCESS: In his first term, President Trump kept his biggest promises:

- He moved the American Embassy in Israel to Jerusalem: After decades of broken promises and despite much criticism, President Trump was the President who finally

kept his commitment to Israel to move the American embassy from Tel-Aviv to Israel's true and rightful capital: Jerusalem.

- He established the Abraham Accords: President Trump delivered the greatest breakthrough for peace in the Middle East in decades by brokering the normalization of ties between Israel and the United Arab Emirates, Bahrain, Sudan, and Morocco, protecting Israel and Jews and spreading security and prosperity to the entire region.

Now, President Trump has promised that the Federal Government will:

- Protect the civil rights of our Jewish citizens: "My promise to Jewish Americans is this: With your vote, I will be your defender, your protector, and I will be the best friend Jewish Americans have ever had in the White House."
- Aggressively enforce the law, protect public order, and prosecute anti-Semitic crimes: "I will issue clear orders to my Attorney General to aggressively prosecute terroristic threats, arson, vandalism and violence against American Jews."
- Deport Hamas Sympathizers and Revoke Student Visas: "To all the resident aliens who joined in the pro-jihadist protests, we put you on notice: come 2025, we will find you, and we will deport you. I will also quickly cancel the student visas of all Hamas sympathizers on college campuses, which have been infested with radicalism like never before."

NEWS

ADMINISTRATION

ISSUES

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FOUNDING FATHERS

EXHIBIT D

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS (Boston)
3 No. 1:25-cv-10685-WGY
4 Vol 1, Pages 1 to 84
5 AMERICAN ASSOCIATION of UNIVERSITY PROFESSORS, et al,
6 Plaintiffs
7 vs.
8
9 MARCO RUBIO, in his official capacity as
10 Secretary of State, et al,
11 Defendants
12 *****
13
14 For Bench Trial Before:
15 Judge William G. Young
16
17 United States District Court
18 District of Massachusetts (Boston.)
19 One Courthouse Way
20 Boston, Massachusetts 02210
21 Friday, July 18, 2025
22 *****
23
24 REPORTER: RICHARD H. ROMANOW, RPR
25 Official Court Reporter
United States District Court
One Courthouse Way, Room 5510, Boston, MA 02210
rhr3tubas@aol.com

1 A P P E A R A N C E S
2
3 RAMYA KRISHNAN, ESQ.
4 CAROLINE DeCELL, ESQ.
5 ALEXANDER ABDO, ESQ.
6 SCOTT B. WILKENS, ESQ.
7 ALEXANDRA CONLON, ESQ.
8 Knight First Amendment Institute at Columbia
9 University
10 475 Riverside Drive, Suite 302
11 New York, NY 10115
12 (646) 745-8500
13 E-mail: Ramya.krishnan@knightcolumbia.org
14 and
15 COURTNEY GANS, ESQ.
16 NOAM BIALE, ESQ.
17 Sher Tremonte LLP
18 90 Broad Street, 23rd Floor
19 New York, NY 10004
20 (212) 540-0675
21 Email: Cgans@shertremonte.com
22 For Plaintiffs
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1 CROSS-EXAMINATION BY MS. CONLON: (Continued.)

2 Q. Good morning, Mr. Armstrong. Can you hear me?

3 A. Good morning. I can hear you.

4 Q. Okay. You're in D.C. right now?

5 A. That is correct, I am in my office at 619th

6 Street, Northwest.

7 Q. And can you just tell us who is in the room with

8 you other than Ms. Santora?

9 A. We have two lawyers from the State Department,

10 Sarah Tulkowski and, um, Taylor Beaumont.

11 Q. All right. Okay. Thank you.

12 Now, um, you testified that you would be very

13 surprised if a policy related to Visas exists that you

14 don't know about, is that correct?

15 A. I can't see how that could be the case. That the

16 head -- at least for the time being, the Head of the

17 Bureau of Consular Affairs, which at the State

18 Department is the, um, part of the State Department that

19 is responsible for Visas and issuing Visas abroad. So,

20 yes, I would be extremely surprised. I do not see how

21 this could happen.

22 Q. Now I want to talk about what "policy" means in

23 the context of your work.

24 State has a policy-making process, right?

25 A. Yes, they're a policy-making process in the U.S.

7

1 whoever the senior-most official is that has to sign off

2 on it, then it can be publicly announced, correct?

3 A. Well not all policies are publicly announced,

4 sometimes they're classified or they're sensitive but

5 unclassified. But they would certainly be announced to

6 those people who need to deal with them. In the case of

7 Consular Affairs, most of our things are, um, but not

8 all are unclassified.

9 Q. In other words, whoever needs to know could then

10 be told about it?

11 A. Yes, that is correct, on a need-to-know basis,

12 it's a good rule for OF-SAC.

13 Q. Now once a policy had been finalized and those who

14 need to be made aware of it are made aware of it,

15 guidance about that policy can be conveyed to folks who

16 work in the State Department who have to implement it,

17 right?

18 A. That's correct. And usually guidance in that form

19 is especially for policies that affect these operations

20 abroad, and it would go out then in the form of a, um,

21 cable or telegram, and I believe we discussed these

22 previously. And usually in the form of an All-Back, to

23 all diplomatic and Consular posts.

24 Q. A cable --

25 A. And oftentimes at --

1 government and the State Department also does that.

2 Q. Before a policy is finalized, a few things have to

3 happen, right?

4 A. Yes, usually -- yes, that is correct.

5 Q. An action memo, with a proposed policy, must be

6 cleared by all offices who have any equities in it,

7 correct?

8 A. Yes, I think that is correct.

9 Q. A policy could require clearance from as many as

10 20 different offices, right?

11 A. Um, even more actually. I have seen some memos,

12 although they weren't necessarily a policy memo, that

13 had over 60 clearances.

14 Q. In once an action memo with a policy has been

15 cleared by all relevant offices, it then has to go to

16 Secretary Rubio, right?

17 A. It depends.

18 Q. If it's a policy that the Secretary needs to sign

19 off on, he has to sign off on it before it's final,

20 right?

21 A. That is true. But there are also -- I have the

22 ability to sign off on policies too, to approve policies

23 for the Bureau of Consular Affairs, after the necessary

24 clearance process.

25 Q. Once a policy has been cleared, signed off on by

8

1 Q. Sorry. I didn't mean to interrupt you, sir.

2 A. No, I interrupted you. Please go ahead. Unless

3 you'd like me to finish.

4 Q. I'll move on.

5 Other than a cable, sent "All-Back" as you say,

6 another way that guidance can be conveyed to State

7 employees is by making additions or revisions to the

8 Foreign Affairs Manual, correct?

9 A. Yes, that is absolutely true, and the cables often

10 -- or the All-Backs often announce this guidance and

11 refer to the changes in the Foreign Affairs Manual.

12 That makes sure that everybody knows that this has

13 happened. Because otherwise you could change the

14 Foreign Affairs Manual and there could be a new or a

15 modified policy and no one would know about it.

16 Q. Now in your view, a decision by the Secretary on

17 an action memo is not, in and of itself, guidance,

18 correct?

19 A. No -- well it depends what's part of the action

20 memo. Sometimes you have the FAM revisions, the Foreign

21 Affairs Manual revisions, are also included and are part

22 of the action memo. There can be more than one decision

23 made in the action memo, or --

24 Q. I'm sorry. In an action memo --

25 A. -- or it's just --

1 Q. It's so hard to do this where you can't see me.
 2 A. No, I apologize.
 3 Q. No, it's okay, we'll figure this out together.
 4 In an action memo on a decision, something other
 5 than an update to the FAM, a decision, that is an
 6 action, that's, in your view, is only an action, that is
 7 not a policy, correct?
 8 MS. SANTORA: Objection.
 9 THE COURT: Well I'm not really clear as to the
 10 relevance of this.
 11 MS. CONLON: I can, your Honor --
 12 THE COURT: In these charts I've been given,
 13 Mr. Armstrong, there's relevant -- well not relevant,
 14 there's mention of something that is called an "action
 15 letter." So, um, I'll ask this question and I'll make
 16 reference to our case specifically.
 17 In our case you've testified, and I assume she's
 18 going to cross-examine you at some stage, on, um,
 19 communications you had with the Secretary, and then, um,
 20 the Secretary of State, um, came up, in the relevant
 21 individuals in our case, with something in it on those
 22 chalks, these guidances I have, called an "action
 23 letter."
 24 Now when you get an "action letter," I understand
 25 that to be a -- a direction for action. It's not the

11

1 THE COURT: All right, then we're clear. That's
 2 what she wants to ask about.
 3 MS. SANTORA: Okay. I can share a copy of the
 4 document that I had on the screen. Just give me one
 5 second.
 6 THE COURT: That's fine.
 7 MS. CONLON: And, Ms. Santora, we have copies
 8 here, so I think it's just Mr. Armstrong who needs to be
 9 able to see it.
 10 MS. SANTORA: Okay, then I'll just share a copy
 11 with him on my screen, um, to save time.
 12 THE COURT: Exactly.
 13 THE WITNESS: Could you just make it larger? My
 14 eyesight has gotten worse with time.
 15 MS. SANTORA: Sure.
 16 (Enlarged.)
 17 THE WITNESS: Yes, thank you.
 18 All right. Consular Affairs. "Action memo goes
 19 to Secretary of State." (Looks.) "There will no action
 20 of foreign policy." (Looks.)
 21 Oh, I understand the CALC -- the action letter is
 22 what goes back to the Department of Homeland Security
 23 informing them of the action taken and letting them know
 24 that the --
 25 THE COURT: So -- and I'm interrupting, so do I.

1 policy, it's the implementation of procedures, um,
 2 within the Department.
 3 Am I correct?
 4 THE WITNESS: Sir, no disrespect intended, your
 5 Honor, but could I see the chalk?
 6 THE COURT: Sure.
 7 THE WITNESS: Do we have a copy?
 8 THE COURT: Ms. Santora may have one.
 9 MS. SANTORA: Yes, your Honor, I can find one, if
 10 you give me one second.
 11 THE COURT: Yes.
 12 MS. CONLON: We're talking about H -- well it was
 13 HN. I thinks it's still HN.
 14 THE COURT: Yes.
 15 MS. CONLON: But we can backtrack in particular.
 16 THE COURT: Correct. Yes.
 17 (Silence.)
 18 THE WITNESS: I apologize for needing to refresh
 19 my memory.
 20 THE COURT: No, I understand. But it's those that
 21 I'll ask Ms. Conlon, so you can hear --
 22 MS. CONLON: Yes.
 23 THE COURT: -- It's those action letters that
 24 you're talking about?
 25 MS. CONLON: That's correct, your Honor.

12

1 So that's what we're talking about, that's what her next
 2 question is going to deal with, I take it.
 3 Go ahead, Ms. Conlon.
 4 Q. Well now I think just to make sure we're all clear
 5 in using words in the same way, there are action memos
 6 that are sent to you, or to Secretary Rubio, and from
 7 those there may be action letters that are sent from
 8 State to Homeland Security, is that correct?
 9 A. That's my understanding, reviewing this, and based
 10 on my knowledge of my job, and that informs the, um,
 11 whatever person at the Department of Homeland Security
 12 who gets it. Of course if it's Secretary Rubio, it goes
 13 to Secretary Noem. If it's someone else like me writing
 14 back, then it would go to the person who sent it. And
 15 that is closing the loop then because the referral on
 16 this CALC is what started the whole process.
 17 Q. So my question is about -- is twofold, I suppose,
 18 action memos that go to you, or the Secretary, decisions
 19 that are made on those. You've said before, and I just
 20 want to make sure I understood it, that that's just a
 21 decision, an action, that is not the creation of policy,
 22 in your view, correct?
 23 A. I think that is accurate. A single decision does
 24 not a policy make in most cases. Of course it can
 25 depend on the situation. I'm sure we could find a

1 hypothetical where it might. But I get action memos all
2 the time, to send this cable, do that, um, agree to this
3 meeting or conference, and that is not a policy.

4 Q. And an action letter sent by State to the
5 Department of Homeland Security, that is an example of
6 implementation of a policy, but that in and of itself is
7 not the creation of policy, right?

8 MS. SANTORA: Objection.

9 THE COURT: No, he may be asked the question.
10 Overruled.

11 THE WITNESS: Thank you, your Honor.

12 A. The action letter informs of the decision. For
13 example, on the CALC, the Secretary would make a
14 decision on the action memo in the case of an alien.
15 For example, a 4(c) finding, I'm referring to INA
16 237(a)(4)(c). And then that action letter informs the
17 Department of Homeland Security. So to be informing of
18 a decision, not necessarily a policy.

19 Q. Got it. Now we can move on from this. I think I
20 understand what you mean when you say "policy." I want
21 to turn to guidance you've received, um, relating to
22 revocations of Visas.

23 So you've discussed revocations of Visas from
24 student protesters with senior officials inside and
25 outside of State, right?

1 A. Yes, I've discussed revocation of student Visas
2 with senior officials both inside the State Department
3 and outside the State Department.

4 Q. That's inclusive of senior officials at Homeland
5 Security, right?

6 A. Yes.

7 Q. Senior officials at the White House, correct?

8 A. Yes.

9 Q. In the first few months of your job, you spoke
10 with folks in the White House about the revocation of
11 student Visas at least 20 times, right?

12 MS. SANTORA: Objection. This calls for
13 information that's privileged.

14 THE COURT: What privilege?

15 MS. SANTORA: It would be Presidential
16 communications, your Honor.

17 THE COURT: All right, I, um --

18 MS. CONLON: No, no, the question only asked,
19 Judge, did he speak with anyone in the White House?
20 There's no indication that it was something that went to
21 the President. And also he testified about it in his
22 deposition. So if they want to do a search-out
23 privilege, then it's waived.

24 THE COURT: Well then go through the deposition.

25 MS. CONLON: Sure.

15

16

1 Q. Turning your attention to the deposition
2 transcript from June 12th, 2025, Page 203 to 204,
3 starting at Line 4. You were asked this question.

4 "Do you have the occasion to speak with anyone in
5 the White House about the revocation of student Visas?"
6 Line 7, you gave the answer, "I have had such an
7 occasion." And continuing on down the page, "You were
8 clarifying the occasions you had to do that," starting
9 at Line 17, and you said, "So the number of total
10 conversations wee probably more, more than over 20. I
11 would say at least a dozen occasions."

12 I could keep going, but that was your testimony,
13 right?

14 A. Um, that -- excuse me, Counselor, but I'm still
15 looking it up here.

16 Q. Sure.

17 A. What was the page? 220 was the page number?

18 Q. No, sir, Page 203.

19 A. Thank you.

20 Q. And I first read to you from Lines 4 through 7.

21 A. (Looks.)

22 MS. CONLON: Your Honor, this might be more
23 efficient if we could just put it on the screen for
24 Mr. Armstrong so we can draw his attention to the
25 portion we're using.

1 THE COURT: Fine. As you seek to --

2 (Pause.)

3 MS. CONLON: No, never mind, your Honor, I'm told
4 it's not more efficient.

5 Q. Okay. So, Mr. Armstrong, you've had a chance to
6 look at Page 203. You gave that testimony in your
7 deposition, I read that correctly, right?

8 A. I believe you read it correctly, um, based on -- I
9 didn't compare it word for word, but I -- and I think it
10 is accurate, but somewhere between a dozen and over 20.

11 Q. And those conversations included Steven Miller,
12 correct?

13 A. Yes.

14 Q. Those conversations also included his Deputy, Adam
15 Leason, right?

16 A. Yes.

17 Q. Now most --

18 A. But not as many with Mr. Leason.

19 Q. More with Mr. Miller.

20 Now most of the conversations about the revocation
21 of student Visas that you had with Mr. Miller took place
22 in March of this year, correct?

23 A. It seems to be, yes, but I didn't keep an exact
24 tally at the time. But it seems in March.

25 Q. And some of those conversations with Mr. Miller

1 were interagency, that is between you and folks of other
 2 relevant agencies were part of those discussions, right?
 3 A. Yes.
 4 Q. Interagency --
 5 A. They were telephonic. I have never met Mr. Miller
 6 in person to this day.
 7 Q. Interagency, in the context of these discussions
 8 about student Visa revocations, included folks from
 9 Homeland Security, the State Department, the Department
 10 of Defense, and the White House, correct?
 11 MS. SANTORA: Objection. Your Honor, this is
 12 bearing into Presidential communications, I believe,
 13 he --
 14 THE COURT: Here, um, here's the line I'm walking,
 15 Ms. Santora.
 16 If it's in the deposition, it's waived. If she's
 17 gone beyond the deposition, and I don't have the
 18 deposition before me, but I'm following carefully, then
 19 I think your assertion must be sustained.
 20 So I take it your position is that the question
 21 she just asked goes beyond what was set forth in the
 22 deposition. Is that your representation? And I'm being
 23 handed a copy of the deposition here.
 24 MS. CONLON: And, your Honor, I'm looking at Page
 25 207 of the deposition.

19

1 MS. CONLON: Yes, that makes sense.
 2 THE COURT: -- proceed, Ms. Conlon.
 3 MS. CONLON: Okay. So, your Honor, we will submit
 4 a designation after this cross-examination.
 5 THE COURT: That's fine. Proceed then.
 6 MS. CONLON: Okay.
 7 (Pause.)
 8 Q. Now, um, I'd like to turn to -- we're going to
 9 move away -- well one other question.
 10 You attended meetings of the Homeland Security
 11 Council, correct?
 12 A. No, I did not attend meetings of the Homeland
 13 Security Council in person, I took part in telephonic
 14 discussions with people who were on the Homeland
 15 Security Council.
 16 Q. Okay.
 17 A. I'm not of that rank to go to the Homeland
 18 Security Council.
 19 Q. Well they invited you to speak. We can leave it
 20 there.
 21 A. In telephone conversations with members of the
 22 Homeland Security Council, yes.
 23 Q. And those conversations concerned student Visa
 24 revocations, is that fair?
 25 A. They concerned many issues, but student Visa

1 THE COURT: Fine.
 2 But, Ms. Santora, talking to you, is it your
 3 position it goes beyond what's set forth in the
 4 deposition?
 5 MS. SANTORA: Yes, I believe that question did go
 6 beyond what was set forth in the deposition.
 7 THE COURT: Well then she'll be more specific in
 8 the deposition. I'm looking at Page 207.
 9 MS. CONLON: And I'm looking at, um, Lines 12
 10 through 24, in particular the question that begins at
 11 Line 16. Which I can read if it's helpful to anybody.
 12 THE COURT: Well you know to save time, um, let me
 13 propose this, to save time, Ms. Santora, and Ms. Conlon.
 14 I'm going to honor her, um, claim of Executive
 15 Privilege in the course of your oral cross-examination
 16 of Mr. Armstrong. At the same time what's revealed in
 17 the deposition, um, in absence of his oral testimony,
 18 which I'm sustaining, is waived and is before the Court
 19 and I can read. So all you need to do, again to save
 20 time, is to say, "We want in Pages X, Lines whatever,"
 21 and we don't need to question him about it.
 22 MS. CONLON: Okay.
 23 THE COURT: If you're on this vein of talking to
 24 people, even by telephone, at the White House.
 25 So with that guidance, um --

20

1 revocations were also discussed, as were general Visa
 2 revocations.
 3 MS. CONLON: Okay, so I will rely on the
 4 deposition for the remainder of what I'm questioning him
 5 on.
 6 Q. Okay. So some of the determinations that we are
 7 going to talk about today involve U.S. foreign policy,
 8 so I want to understand what you mean when you're
 9 talking about U.S. foreign policy in these decisions
 10 that you wrote.
 11 It's your understanding that it is the foreign
 12 policy of the U.S. to combat antisemitism at home and
 13 abroad, is that right?
 14 A. Yes, it is my understanding that is the policy of
 15 the United States, and actually President Trump's
 16 Executive Order in a way codified long-term policy. The
 17 United States, at least in my tenure of over 30 years,
 18 has always been opposed to antisemitism both in the
 19 wider world and in our great country.
 20 Q. And when you say the "Executive order," that is
 21 14188, right?
 22 A. I don't know the number offhand. I believe there
 23 was only one that dealt with antisemitism. I can try
 24 and look it up, if you'd like, ma'am.
 25 Q. No, I think that we can assume it's what you mean

1 here for our purposes.

2 Now your understanding about the long-time U.S.

3 policy combating antisemitism is also drawn from public

4 statements made by Secretary Rubio, right?

5 A. Yes, Secretary Rubio has gone on record, it is my

6 recollection, to be strongly against antisemitism, both

7 domestically and, um, even more importantly, in the

8 world.

9 Q. Now --

10 A. I personally am also against antisemitism, just

11 for the record, and I have no embarrassment in stating

12 that.

13 Q. Nor should you.

14 Now Secretary Rubio has made many public

15 statements about antisemitism, correct?

16 A. It's my --

17 MS. SANTORA: Objection.

18 THE COURT: Well that's pretty vague and it's a

19 matter of record. Sustained.

20 Go ahead.

21 Q. With respect to Secretary Rubio's position on

22 pro-Palestinian student protests, your understanding is

23 he's against foreign aliens organizing antisemitic

24 activity in the U.S., is that right?

25 A. It's my understanding that he's against anyone

23

1 so that would include public campuses, that would

2 include everywhere in the United States, and in the

3 whole world.

4 Q. You have reviewed some of Secretary Rubio's public

5 statements in the course of your work, correct?

6 A. Yes.

7 Q. You have cleared written guidance for State

8 Department employees that actually quotes from Secretary

9 Rubio's public statements, right?

10 A. It's my recollection that I cleared some cables

11 that quoted from the Secretary. And there may have been

12 other documents, but there were a couple of cables in

13 particular that had stuck in my mind.

14 Q. Okay. And some of those --

15 A. And why? I do not know.

16 Q. Some of those cables in particular related to

17 Visas and Visa revocations, right?

18 A. I believe so, yes, that is my recollection.

19 Q. You said, when we started this line of

20 questioning, that EO 14188 codifies a longstanding U.S.

21 policy against antisemitism. And do I understand you

22 correctly to be saying, in other words this policy

23 existed, but it was first written or memorialized or

24 codified in that Executive Order. Is that what you

25 meant?

1 organizing antisemitic activity in the United States.

2 He -- and again, my understanding is he has no power

3 against you, American citizens, doing such things. He

4 does have power, under the law, as has every Secretary

5 of State, against aliens who could do such things.

6 Q. Aliens organizing antisemitic protests in his

7 view, is that right?

8 MS. SANTORA: Objection, lack of foundation.

9 THE COURT: Sustained. It's sustained. This

10 witness can't state his view.

11 MS. CONLON: Well, your Honor, I'm actually

12 interested in this witness's understanding of his boss's

13 --

14 THE COURT: Well you didn't in that question.

15 MS. CONLON: Yes, I'll clarify.

16 Q. So, Mr. Armstrong, to be clear, I'm not asking you

17 to read Mr. Rubio's mind, but I want to focus on your

18 understanding of the State Department's position based

19 on Secretary Rubio's public statements.

20 Now it's your understanding that Secretary Rubio

21 has expressed that the State Department has a policy of

22 opposing antisemitic protests on U.S. college campuses,

23 correct?

24 A. It's my understanding that Secretary Rubio has

25 stated he opposes antisemitism both at home and abroad,

24

1 A. What I meant was that I used -- I said "In a

2 manner, I believe, codified it," because of course it's

3 not a legal code, it's an Executive Order. It's not the

4 same as if Congress had passed it. But, um, in my

5 career, in the over 30 years that I've served the

6 American people as a Foreign Service Officer at the

7 State Department, both at home and abroad, we have come

8 out repeatedly, various Secretaries of States, various

9 State Department officials, against antisemitism. The

10 U.S. government has done that too. And this is the

11 first Executive Order that I recall, um, where it was

12 said that "We are against antisemitism." So in that

13 sense it memorialized, formalized, whatever way we want

14 to describe this, took this policy to the next concrete

15 level. It was always there, um, since Day 1 of my

16 Foreign Service career.

17 Q. Now you've talked about antisemitism just now in

18 that order, but I want to talk about your understanding

19 of it.

20 You have had to review referrals from HSI

21 concerning alleged antisemitic activity in the past few

22 months, right?

23 A. Um, from DHS, but I don't remember what office in

24 DHS.

25 Q. Those referrals were part of the implementation of

1 Executive Order 14188, right?

2 A. That's an interesting question. Yes, I think they

3 could be seen as an implementation. Certainly we

4 reviewed a number of cases, actually several thousands

5 of students, um, for various things.

6 Q. So just to bring you up to my question. The

7 referrals you got from the Department of Homeland

8 Security concerning alleged antisemitic expression and

9 activity, that was pursuant to or the implementation of

10 EO 14188, correct?

11 A. I think it was also the implementation of our

12 longstanding policy of being against antisemitism. It

13 is not a new policy. Again, it was brought to a higher

14 level. But we've always been against antisemitism.

15 Q. Isn't it true that people in the State Department

16 were asked to review activities of students for

17 antisemitism pursuant to the Executive Order 14188?

18 A. We were asked to review their activities. I don't

19 remember whether the Executive Order was cited in the

20 request. But we were asked to review their activities

21 on antisemitism, and on other things too, on criminal

22 activity, like the 800 students who, um, had assault

23 charges.

24 Q. To your knowledge the State Department has not

25 issued any guidance about what should be treated as

1 antisemitic, correct?

2 MS. SANTORA: Objection.

3 THE COURT: Overruled.

4 A. I cannot remember a concrete piece of guidance.

5 It, um, seems to me there may have been -- been some.

6 But I do not remember a concrete cable where I can say

7 "This cable defines antisemitism."

8 Q. I'll ask you again.

9 You haven't received any guidance from anyone on

10 what the State Department should treat as being

11 antisemitic, yes or no?

12 MS. SANTORA: Objection.

13 THE COURT: Yeah, sustained. I think he's

14 answered that.

15 MS. CONLON: Your Honor, I believe he just said he

16 can't recall, and maybe not in a cable, and then --

17 THE COURT: I understand. I understand. The

18 transcript will speak for itself. But the effort is to

19 persuade me. And here's what I hear. Anyone can -- and

20 he can correct it.

21 I hear him say there's been no guidance, formal or

22 informal, as to what should be treated as antisemitism.

23 I think that's the point.

24 MS. CONLON: It is.

25 Q. And fair to say you don't know whether your

27

28

1 subordinates in the Visa office, who write the action

2 memos that you review, have received training on how to

3 determine what activity is antisemitic?

4 MS. SANTORA: Objection.

5 THE COURT: No, overruled.

6 A. I do not -- I do not know all what training they

7 have. To my knowledge I do not know of any of them

8 having received formalized training on what is

9 antisemitism.

10 Q. When employees in the Visa office are making these

11 assessments that come to you in writing, you don't know

12 where there's any written materials they review or refer

13 to, correct?

14 A. Could you clarify, what kind of materials? You

15 mean instruction materials? Or are they looking at the

16 evidence that a person has engaged in antisemitic

17 activity or has supported a terrorist organization?

18 Q. Materials about how to make that assessment.

19 A. The assessment of antisemitism or not?

20 Q. Yes.

21 A. I do not know of any such materials.

22 Q. You don't know what definition or standard the

23 Visa office uses to determine whether speech or conduct

24 is antisemitic, right?

25 MS. SANTORA: Objection.

1 THE COURT: Overruled.

2 A. I do not know of any materials. I do know that

3 there's a common understanding in our culture in our

4 society of what antisemitism is. It's just --

5 THE COURT: And -- thank you. I'd like to now

6 ask, would you state that, so I understand it? What do

7 you think is the common understanding of what

8 "antisemitism" is?

9 THE WITNESS: In my opinion, antisemitism is

10 unjustified views, biases, or prejudices, or actions

11 against Jewish people, or Israel, that are the result of

12 hatred towards them.

13 THE COURT: Thank you.

14 Q. In other words, in your understanding antisemitism

15 includes hatred or prejudice against Israel and the

16 Israeli people, right?

17 A. Yes. In my understanding antisemites will

18 sometimes try to hide their views and say they're not

19 against Jews, they're just against Israel, which is a

20 farcical argument in my mind. It's just a dodge.

21 Q. It's a dodge. It's a way of obscuring a person's

22 antisemitic views?

23 A. In my opinion, yes, Counselor.

24 Q. Now there are some cables that you cleared this

25 past few months concerning, um, the espousal or

1 endorsement or support of terrorism and antisemitism,
2 right?

3 A. There may have been. I believe so. I don't
4 remember all the cables I cleared. But I believe that I
5 did clear some, yes. And actually probably approved
6 them.

7 Q. Not only cleared, but also approved, as in the
8 final approver, right?

9 A. Yes, that is correct.

10 Q. Okay. Now once such cable, which I will draw
11 everybody's attention to, it's Exhibit 64 in evidence.
12 It's a cable from March of this year. And I just want
13 to ask about your understanding of a part of that as it
14 relates to endorsing, espousing, supporting terrorism,
15 and antisemitism.

16 MS. CONLON: And tell me if you need a second to
17 pull it up, Ms. Santora.

18 A. I am pulling it up. Wait. Wait. Now, sorry, I
19 have to use my mouse. (Pause.) This is, um, an "Action
20 Request Enhanced Screen and Social Media Vetting for
21 Visa Applicants," yes?

22 Q. Yes.

23 A. Exhibit 64.

24 Q. Exactly. And so if you go to Paragraph 9 of this
25 document.

31

1 A. This part talks about that, yes. I'd have to flip
2 back up to see what the title is.

3 Q. And some indicators, according to the cable, said
4 a person may endorse, espouse, or support a terrorist
5 organization, include evidence that an applicant added a
6 case for terrorist activity, correct?

7 A. Can I read the lines, Counselor?

8 Q. Oh, sure, and I'm actually not quoting, but go
9 ahead.

10 A. Okay.

11 Q. The last few sentences.

12 A. Okay. (Reads.)

13 Q. Okay. So I'm going to ask you.

14 It's fair to say this cable here has, um,
15 understandings of how a person may reflect that they
16 endorsed or espoused or support a terrorist
17 organization, um, which could include bearing a
18 hostility towards U.S. citizens or U.S. culture, among
19 other things, right?

20 A. Yes, it does note that as a possible indicator.

21 Q. Potential sympathy for a foreign terrorist
22 organization, right?

23 A. (Looks.) Yes, as a possible indicator. This
24 requires judgment and it's not an easy task.

25 Q. Okay. Now if we can set this cable aside for a

1 A. (Turns.) I'm at Paragraph 9.

2 Q. Excellent. I'd like to draw your attention to the
3 bottom few sentences, because I'll be asking you about
4 them.

5 A. Okay.

6 Q. So this paragraph of this March cable that, um,
7 for clarity, did you approve or just clear this one, can
8 you tell?

9 A. I have to look at the bottom. (Looks.)

10 Q. Can you go ahead and do that, please.

11 A. (Looks.) I believe I approved this one.

12 Q. Okay. So turning to --

13 A. Also I can tell by looking at the tags, it's see
14 "See this," and "See management," "Counselor viewed
15 this," "Counselor management."

16 Q. So looking at Paragraph 9, the bottom few
17 sentences, this portion of the cable concerns the
18 understanding of 3(b), which is one of the grounds for
19 potential ineligibility, on the basis of supporting
20 terrorism, correct?

21 A. Yes, 3(b) is support for terrorism, a terrorist
22 activity, or a terrorist organization.

23 Q. Now this cable provides guidance on how to
24 determine whether a person, um, endorses or espouses or
25 supports terrorism, right?

32

1 moment, but I want to stick with the discussion of 3(b),
2 um, so you can put that aside.

3 The State Department has, as I understood you to
4 say on direct, a policy of revoking Visas based on a
5 person's support for a terrorist organization, if that
6 is their viewpoint, correct?

7 A. Support --

8 MS. SANTORA: Objection.

9 THE COURT: No, she may ask the question.
10 Overruled. He may answer.

11 A. Support for a terrorist organization, or terrorist
12 activity, is a reason to have a Visa revoked, yes.

13 Q. And on direct you were asked the question, does
14 State have a policy to revoke Visas based on political
15 viewpoints? And in responding to a question about
16 political viewpoints, you said, "If you're supporting a
17 terrorist organization, yes." That's correct, right,
18 that's what you said?

19 A. Yeah, support for Hamas will get your Visa
20 revoked.

21 Q. Now I want to --

22 A. No, I'd like to finish my answer, because it
23 doesn't seem that the full complexity of what we deal
24 with is being carried out.

25 THE COURT: You may -- you may, sir. Go ahead.

1 THE WITNESS: Thank you, your Honor.
 2 A. This is not a mundane thing. If we get this
 3 wrong, we get the Molotov cocktail attack in Colorado.
 4 If we get these sort of things wrong, you get the Boston
 5 Bomber. If we get this stuff wrong, you get 9/11.
 6 MS. CONLON: Your Honor, I'm going to ask that you
 7 --
 8 A. This is very serious stuff, Counselor, and I don't
 9 think you realize --
 10 THE COURT: Wait. Wait a minute. Wait. Wait.
 11 I've said you could amplify your answer. You've gone on
 12 to characterize the question.
 13 THE WITNESS: I apologize.
 14 THE COURT: We're not doing that. I fully accept,
 15 sir, that you take this very seriously. She's trying to
 16 flesh out what's meant by the phrase "Support Hamas."
 17 That is important to this Court, an understanding of
 18 that. And I'm going to allow her to ask questions along
 19 that line. That's what I need to get out of this. What
 20 does it mean to support Hamas?
 21 As far as I can see, in this case, there is no
 22 dispute, and I don't see how there could be, that Hamas
 23 a terrorist organization. That said, she's trying to
 24 pin down what that means.
 25 Go ahead, Ms. Conlon.

1 MS. CONLON: Thank you, your Honor.
 2 Q. Now in your view, the phrase, "From the river to
 3 the sea, Palestine will be free," could be covered by
 4 the endorsing, espousing, supporting, a terrorist
 5 organization provision, correct?
 6 A. It's basically calling for genocide of all
 7 Israelis, because there's no space for Israelis in that
 8 "river to the sea."
 9 Q. In your view, a statement denouncing Zionism could
 10 be covered because Zionism is Jewish patriotism or
 11 Israeli patriotism, correct?
 12 A. It could be, yes.
 13 Q. In your view, a statement criticizing Israel's
 14 actions in Gaza could be covered, depending on the
 15 statement, right?
 16 A. Yes, depending on the statement. It could
 17 definitely. If you say that "They're worse than Hitler
 18 in what they're doing in Gaza," that would be a
 19 statement that I think would be leading in that
 20 direction that you seem to go going, Counselor.
 21 Q. In other words, a statement comparing the policy
 22 of Israel to that of the Nazis?
 23 A. I'm saying it's worse than the Nazis.
 24 Q. A statement calling for an arms embargo on Israel
 25 could be covered, correct?

35

36

1 A. It could be.
 2 MS. SANTORA: Objection.
 3 THE COURT: Wait. Wait. The objection is noted,
 4 but overruled. She may follow this line of questioning.
 5 Q. A statement calling for limiting military aid to
 6 Israel could be covered, correct?
 7 A. In my opinion, yes.
 8 Q. A statement --
 9 A. You'd have to look at the totality of the
 10 situation and the whole thing that's being said. Just
 11 one statement by itself is probably not going to make
 12 the decision.
 13 Q. A statement calling Israel an "apartheid state"
 14 could probably be covered?
 15 A. It might be. We'd have to look at the totality of
 16 the case. Which is what we do in the Visa revocations.
 17 Q. Now you said a second ago, "Well that's just your
 18 opinion." But, Mr. Armstrong, you are the senior bureau
 19 official in Consular Affairs, right?
 20 A. I am the senior --
 21 THE COURT: Wait a minute. You may answer.
 22 A. I am the senior bureau official at the present
 23 time in the Bureau of Consular Affairs at the State
 24 Department. I've been in the position since February
 25 27th of this year and continue to be in it.

1 Q. And when you receive action memos about particular
 2 persons alleging that they have expressed support for
 3 terrorism, what we're talking about here, these
 4 understandings inform your decision-making, right?
 5 A. Yes, my understanding does inform my
 6 decision-making, as does any other guidance that I have.
 7 And I actually discuss my decisions, if I have
 8 questions, with the people who sent the memos to me to
 9 make them.
 10 Q. In the cable we looked at a moment ago, there was
 11 a reference to a person's hostile attitude toward U.S.
 12 citizens, government, and culture, as potential
 13 indicators that they support or sympathize with
 14 terrorist organizations. And I want to understand your
 15 view of that as well.
 16 In your view, criticism of this administration's
 17 policies or actions toward Israel could be covered by
 18 this provision, right?
 19 MS. SANTORA: Objection.
 20 THE COURT: Well this deals with Visa applications
 21 and so I'm going to sustain that.
 22 (Pause.)
 23 MS. CONLON: Just a moment, your Honor.
 24 (Pause.)
 25 Q. The Court made the point that I'm asking you about

1 3(b), to endorse or espouse or support a terrorist
 2 organization, but you're familiar with 4(b) as well,
 3 correct?
 4 A. Could you refresh my memory, please.
 5 Q. Sure. You're familiar with the provision of the
 6 INA, which you in your deposition referred to as 4(b),
 7 which has these exact same grounds that are in 3(b), but
 8 as a ground for the revocation or the determination of
 9 removability, as opposed to something relating to the
 10 ineligibility to come into this country, correct?
 11 MS. SANTORA: Objection.
 12 THE COURT: No, she may ask him to characterize
 13 it, and the answer may stand.
 14 MS. SANTORA: Well if she's asking him about a
 15 statute or a document, he's asked if she could show him
 16 the statute or document.
 17 THE WITNESS: Well I would like to see it, ma'am,
 18 if you have it there.
 19 THE COURT: Yes.
 20 MS. CONLON: I'm just trying to be very efficient
 21 with our time, but I understand you want to see it. So
 22 maybe the easier way to do this is actually the cable
 23 you just looked at, 64.
 24 A. Okay.
 25 Q. This cable is not only about Visa applicants, but

1 it is also about Visa revocations, correct?
 2 A. I'm going to have to answer -- honestly I'm going
 3 to have to look at the cable.
 4 Q. No, all we want are your honest answers, so please
 5 pull up the cable.
 6 A. For March.
 7 Q. So please pull up the cable, and I'm going to draw
 8 your attention first to Paragraph 2, on the first page,
 9 and next to Paragraph 11, titled "Revocation of Valid
 10 Visas." And once you've had a chance to read both of
 11 those paragraphs, please let me know.
 12 A. 2 and 11, yes?
 13 Q. Okay. So having reviewed that --
 14 A. No, I'm sorry, Paragraphs 2 and 11?
 15 Q. Yes, please.
 16 A. Thank you. (Reads.)
 17 Q. Okay, so having looked at this cable, you agree
 18 with me that this cable --
 19 A. I apologize, I'm still reading Paragraph 11.
 20 Could I please be allowed to finish?
 21 Q. Of course.
 22 A. Thank you. (Reads.) I have completed it.
 23 Q. Okay. So you have looked at Exhibit 64, the cable
 24 we've been discussing, about the grounds for the
 25 endorsing, espousing, the support for a terrorist

39

1 organization, and you can see that this cable addresses
 2 not only applicants, but those who are here in our
 3 country, correct?
 4 A. They may be here in the country, because actually,
 5 um, looking at Paragraph 11, um, you could have a --
 6 someone could have a valid Visa and not be in the
 7 country and have the Visa revoked. Your previous
 8 question, if I understand it and remember it correctly,
 9 was "Was there a discussion of revocation in this
 10 cable?" "Yes, there is." And specifically in Paragraph
 11 11. That's a good example. Reading through it quickly,
 12 I didn't see it, but it's definitely there in 11.
 13 But the holder of the Visa can be -- for example,
 14 if someone from Peru applies for a Visa, they get it,
 15 additional information later comes to light, that Visa
 16 can be revoked whether they're in Peru or whether
 17 they're in the United States.
 18 Q. Okay. So to answer my question, yes, this cable
 19 applies to people who are Visa holders inside the United
 20 States as well, correct?
 21 THE COURT: He just said it --
 22 A. It could, yes.
 23 Q. Okay. Now you asked me to refresh your
 24 recollection about the INA provision that, in your
 25 deposition we described as 4(b). I'm going to try to do

1 that very quickly here so we are all on the same page.
 2 MS. CONLON: Can we please show Mr. Armstrong Page
 3 7 of what was identified as Exhibit 222.
 4 (On screen.)
 5 Q. I'm going to show you, Mr. Armstrong, a copy of --
 6 MS. CONLON: Oh, and we can't scroll? (Scrolls.)
 7 Yes. Okay.
 8 Q. So, Mr. Armstrong, I'm showing you a copy of a
 9 statute. And this is just to refresh your recollection.
 10 A. Yes, I appreciate that.
 11 Q. This is codified in the U.S. Code as 8 U.S.C.
 12 1227, Deportable Aliens. And you have control of the
 13 mouse here, so I'm going to ask you to scroll to Page 7
 14 of this, Section 4, titled "Security and Related
 15 Grounds."
 16 A. (Scrolls.) Yes, I see it, and I see "terrorist
 17 activities."
 18 Q. Now you can see here, under 4(a), that this
 19 statute applies to people who engage in the same grounds
 20 we're talking about in 3(b), another part of the INA,
 21 but here, instead of it being that they're ineligible,
 22 as in Number 3, under 4 they are deportable, correct?
 23 A. I haven't compared the exact wording in 3(b), but
 24 it does say that, yes, if they engage in, it's 1, 2, 3,
 25 that they are deportable.

40

1 Q. Just like --

2 A. And I believe the finding in that would be done by

3 the Secretary of State.

4 Q. And under (C), 4(c) here, which says "Foreign

5 Policy," so that rolls on to the top of Page 8, here we

6 can see a person who's present in the United States, as

7 determined by the Secretary, to have adverse

8 consequences for foreign policy, that person is

9 deportable, correct?

10 A. Yes, the Secretary of State makes that

11 determination.

12 Q. Right. So my point is that you said, well, 3(b),

13 3(c), that's both -- Oh, our screens just did something

14 strange. You said that those refer to applicants. And

15 you would agree with me that 4(b) and 4(c) are

16 applicable to people who already have a valid Visa or a

17 green card, right?

18 A. Based on a quick review here, yes, that makes

19 sense, they would, um --

20 Q. Okay, well you say a "quick review." But am I

21 recalling correctly that you testified on direct

22 examination that you have to be familiar with statutes,

23 about revocations, removability, to do your job, isn't

24 that what you said?

25 A. I don't remember my testimony. And I'm clearly

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1 what could be covered. But you've been asked this

2 question and given this answer.

3 "Could a criticism of the administration's policy

4 or actions of Israel be covered by Paragraph 9?" And

5 your answer is simply "Possibly," correct?

6 A. Yes, it could be. But again you have to look at

7 the totality of it. Perhaps my example seems extreme,

8 but we deal with a lot of extremist people trying to get

9 into the United States and we've got to get it right,

10 Counselor, otherwise it results in terrorist attacks or

11 threats to our own citizens.

12 Q. Well let's talk about some particular people whose

13 cases you dealt with.

14 You testified, on direct examination, that the

15 State Department uses only existing authorities and

16 policies to implement EO 14188 and 14161, correct?

17 A. That's my recollection, yes, it is. We have --

18 Q. No, go ahead.

19 A. We have, with revocations, long established the,

20 um, 3(c), um, 3(b), or 4(b), and 4(c) are long

21 established in the INA, I believe since the beginning

22 when it was initially -- when it became law in the '50s,

23 so it's over 70 years. Yes, long-established policies

24 and methods, tools.

25 Q. Long-established. Your point has been that the

1 familiar with it, because I'm able to discuss it. So,

2 yes, I am familiar with this. And again the 4 -- the 4

3 authorities, those are determined by the Secretary.

4 Like the 4 -- excuse me, the 4(c).

5 Q. So earlier I tried to ask you about the language

6 in that cable, about whether a person's alleged hostile

7 attitude towards U.S. Citizens, government, and culture,

8 may be indications that that person supports or

9 sympathizes with terrorist organizations. I'm asking

10 that question with respect to 3(b) and 4(b). And the

11 question is this.

12 In your view, criticism of the Trump

13 administration's policies or actions toward Israel could

14 be relevant to a 3(b) or 4(b) determination, correct?

15 MS. SANTORA: Objection.

16 THE COURT: No, overruled.

17 A. It could be. I would look at the totality of the

18 situation. For example, if the person said that Hamas

19 should kill all of the Trump administration because of

20 the policy, yes, I would say that a statement like that,

21 which would be a criticism of the Trump administration,

22 would be indicative of support for a terrorist

23 organization. So, yes, it could be.

24 Q. (Pause.) Hang on just a moment.

25 So you've given a pretty outrageous example of

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1 EOs did not create new legal authorities, right?

2 A. Yes, that is -- they did not create a new

3 revocation.

4 Q. Now just after you started in your current role,

5 which was February 27th, you were confronted with the

6 cases of Mahmoud Khalil and Yunseo Chung. Are you

7 familiar with those names?

8 A. I remember Mr. Khalil's name. Um, Chung,

9 Mr. Chung is ringing a bell, but I don't remember that

10 one quite as well. But there could have been someone by

11 that name.

12 MS. CONLON: Your Honor, I'd like to show, um,

13 Mr. Armstrong what has been premarked as Exhibit EX,

14 it's an attorney's-eyes only document that we received

15 from the Court, the action memo concerning Mr. Khalil

16 and Ms. Chung. I won't -- we want to be cognizant of

17 not putting it on the screen, because it's AEO.

18 THE COURT: I'm assuming Ms. Santora has it.

19 MS. SANTORA: Um, I -- can they share it with the

20 witness not on the public screen?

21 THE COURT: Well you're saying it, and everyone is

22 cognizant, it's attorney's-eyes only. I assumed you had

23 it?

24 MS. SANTORA: I can get it, your Honor, um, if --

25 THE COURT: Well so long as it's on your screen

1 only, that would be sufficient. We can do that.

2 MS. SANTORA: Okay. If opposing counsel would

3 share it just to the witness's screen?

4 MS. CONLON: We're trying to ensure that we do

5 that and do not show the public, so.

6 MS. SANTORA: Yes, thank you.

7 Q. So while we're getting you the document,

8 Mr. Armstrong, you mentioned that there are certain

9 determinations under 4(c), for example, that only the

10 Secretary of State can make. One such determination is

11 that a person's presence or activities in the U.S. posed

12 a potential adverse foreign policy consequence to the

13 United States, right?

14 A. Yes. I cannot make that determination, only the

15 Secretary of State, whoever that person may be.

16 Q. Okay, we're still working on getting you the

17 documents.

18 (Pause.)

19 MS. SANTORA: Your Honor, I think I may have them

20 now.

21 THE COURT: Thank you.

22 MS. CONLON: That would be really helpful. We

23 just don't want to mess up and put it publicly when

24 we're not supposed to.

25 MS. SANTORA: Which one are you referring to?

1 MS. CONLON: For Mr. Khalil and Ms. Chung, it's an

2 action memo.

3 (Pause.)

4 MS. CONLON: Are you able to find it?

5 MS. SANTORA: Yes. Hold on one second. I want to

6 be sure we have the right one.

7 MS. CONLON: It's on DEF 121 is the Bates.

8 (Pause.)

9 MS. CONLON: And is the Court able to see the

10 Court's copy?

11 THE COURT: I have access to it.

12 You have about 45 minutes total in the

13 examination, if you want to reserve 45 minutes for

14 closing. So go ahead.

15 MS. CONLON: I'm sorry, your Honor, could you say

16 that again? I didn't understand.

17 THE COURT: You have 45 minutes for examination

18 and 45 minutes for closing, as we stand now at 10:00.

19 MS. CONLON: Oh, I see. I understand. Okay.

20 MS. SANTORA: I'm sorry, I don't think our copy

21 has numbers on them.

22 THE COURT: Well it's before the Court.

23 MS. CONLON: Okay, I'll just ask my questions and

24 we'll do our best.

25 THE COURT: Yes, thank you.

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1 Q. So, Mr. Armstrong, you passed along, after

2 approving, action memos concerning Mahmoud Khalil and

3 Yunseo Chung to Secretary Rubio, correct?

4 A. I believe there was an action memo. If it went up

5 to the Secretary and I was working, I would have been

6 the last person to look at it before it went. And my

7 name should be on it.

8 Q. That's right. I'm trying to show it to you,

9 because I'd like it to be in evidence and have a number.

10 A. Counselor, if it has my name on it, I believe you.

11 Q. I appreciate that.

12 THE COURT: Well, look, these materials are before

13 the Court in their tortured history and I have made it

14 clear they are part of the record on which I am going to

15 make a decision.

16 MS. CONLON: Okay.

17 THE COURT: Now if you want to separate this out

18 and give it a number, I'm fine with that, we can do that

19 without the time running.

20 MS. CONLON: Okay, thank you.

21 THE COURT: Because it may help you, in both

22 sides, with the requests for findings and rulings.

23 MS. CONLON: Exactly.

24 THE COURT: So go ahead with your questions to the

25 witness.

1 MS. CONLON: Okay.

2 Q. So my question is that prior to issuing this

3 action memo to Secretary Rubio on March 8th, you were

4 not aware of any prior exercises of the Secretary's

5 removal authority under 4(c), correct?

6 MS. SANTORA: Objection.

7 THE COURT: Overruled.

8 A. I do not recall any. That doesn't mean there

9 weren't any. I can only --

10 Q. Mr. Armstrong, please look at the end of your

11 action memo. Sorry, I should have drawn your attention

12 to it to just make this faster. Would you please look

13 at the last line of your action memo.

14 MS. SANTORA: There's a copy here, but it has

15 redactions applied to it, so I --

16 MS. CONLON: All right, we'll just move on.

17 Q. So you don't recall, as you sit here today,

18 whether before you, in almost the first week of your

19 job, authorized this action, whether it was something

20 the State Department had ever done before?

21 A. I believe it was done before, just not under

22 Secretary Rubio, it was the beginning of March, I

23 believe that this took place. Yes, the first week in

24 March?

25 Q. This was March 8th, that's correct.

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1 A. Yeah, so Secretary Rubio would have been in the
2 saddle for 6 weeks. But that doesn't mean it was never
3 used by other Secretaries of State. As noted, the INA
4 has been in effect for over 70 years. So I believe it
5 was used at other times. But I would not be surprised
6 if Secretary Rubio had not used it within those 6 weeks
7 of his tenure.

8 Q. So, Mr. Armstrong, you're saying that it was just
9 about Secretary Rubio being new to his role, but isn't
10 it true that what you wrote in the action memo was that
11 Mr. Khalil and Ms. Chung were likely to challenge their
12 removal under this authority, that the courts might
13 scrutinize its basis, and that's because there was no
14 prior exercise of this authority before, not just under
15 Secretary Rubio, under anyone, isn't that correct?

16 A. No, my recollection is it was used at sometime
17 earlier as a matter of fact in this century.

18 Q. In this century?

19 A. But I don't remember a date.

20 Q. Okay. Let's move on to Mr. Mahdawi.

21 This is the action memo, which is also attorneys-
22 eyes only, and I believe it's something we can share
23 with the witness if Ms. Santora doesn't have an
24 unredacted copy of it.

25 You also prepared, or passed along, the action

1 memo concerning Mr. Mahdawi to Secretary Rubio, right?

2 A. This is, um, 5. Okay. Sorry. I'm getting the
3 right document.

4 Q. I appreciate that.

5 A. On March 15th, "Action Memo for the Secretary."
6 Yes, from CA John Armstrong. That is me.

7 Q. Now these -- this action memo concerns a number of
8 people, but in particular Mohsen Mahdawi, right?

9 A. I see three people. Momodou Taal. Badar Khan
10 Suri. And Mohsen Mahdawi.

11 Q. The action memo concludes, for those mentioned,
12 that they are removable under 4(c), correct?

13 A. Just a second. (Looks.) Yeah, and it asks the
14 Secretary to make that decision. I can't make that
15 decision. It's recommending that he make that decision.
16 But I didn't make that decision. I made the case and
17 those who drafted it did and I approved that argument,
18 but it's the Secretary's decision. Which he did find
19 those three people to be removable under 4(c). You can
20 see at the top, um, ma'am, it says the recommendations,
21 "Recommendation 1 approved," "Recommendation 2
22 approved." So, yes, the Secretary agreed with the
23 recommendation.

24 Q. Now for Mr. Suri and Mr. Mahdawi, for whom these
25 actions were approved about a week after Mr. Khalil's

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1 removability determination was issued, you specifically
2 anticipated that there could be concerns around the fact
3 that the determination was inextricably tied to their
4 speech, correct?

5 MS. SANTORA: Objection.

6 THE COURT: Overruled.

7 A. Okay, can I review the memo so I can see what it
8 is I signed? I mean this was 3 months ago.

9 Q. You don't recall, is that correct, without having
10 to look?

11 A. Ma'am -- I mean, ma'am, I have -- in a week I can
12 have 50 action memos go across my desk.

13 Q. I understand that you have a very important job
14 with a lot to do. I'm focused on these particular
15 people whose determinations led to determinations of
16 their removability. So if you need to turn to the last
17 paragraph to remember what you said about it, that is
18 just fine, it's the last page of the memo.

19 A. Thank you. I appreciate that. (Looks.) Now the
20 question is Mr. Mahdawi, yes?

21 Q. Yes, the question is Mr. Mahdawi and Mr. Suri.
22 But if you have Mr. Mahdawi in front of you, we can just
23 use that.

24 A. Yeah, actually in the memo it's clear that it was
25 activities. "Antisemitic conduct." "Disruptive

1 protests" and "antisemitic conduct."

2 Q. Mr. Armstrong, do you see where it says "Given the
3 potential that a court may consider his actions
4 inextricably tied to speech protected under the First
5 Amendment, it is likely that courts will closely
6 scrutinize the basis for this determination."

7 Do you see that?

8 A. Which page is this on, on Page 4?

9 Q. Yes, sir, the last page.

10 A. (Looks.) Yes, I see that.

11 Q. Now this memo, that you noted the action and it
12 was approved, um, the date on the top, on the first
13 page, is March 15th. I now understand from you that
14 what I see in the upper left, "Rec 1 approved," "Rec 2
15 approved," means the date -- means that the Secretary
16 approved the recommendation.

17 Is the date next to those two provisions on the
18 top left, by "Rec 1," "Rec 2," the date that the
19 Secretary approved the recommendation?

20 A. Yes, that's --

21 MS. SANTORA: Objection.

22 THE COURT: No, overruled.

23 A. That's my understanding, those are the dates of
24 the approval.

25 Q. And do you see on the first page where it says,

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1 right under "Background," "On March 14th, the Assistant
2 Director of NSD referred this information to CA"?

3 A. Yes.

4 Q. So this referral came on the 14th, the action memo
5 was produced on the 15th, and it was approved on the
6 15th. Am I understanding all of that correctly?

7 A. Yes.

8 Q. And in that 24-hour period in which the action
9 memo was generated, 13 people in departments cleared it,
10 does that sound right? If you look at the last page for
11 me. Just making sure I'm understanding that chart
12 correctly.

13 A. Yeah, it could actually be more than 24 hours,
14 depending on when it came in and when the memo went up.
15 But let's say, for the sake of argument, it was
16 approximately 24 hours.

17 Q. So you do see that, am I right?

18 A. Yes, I see the list of clearers.

19 Q. Okay.

20 MS. CONLON: Just a moment.

21 (Pause.)

22 A. And you'll note, on a couple of them, it's "Info."

23 Q. I'm so sorry, I missed that last thing you said.
24 What did you say?

25 A. On a couple of them it's "Info."

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1 what you always do, you reviewed the action memo in its
2 entirety, right?

3 A. Yes, actually it was proposed to me -- I believe
4 if it would have come to me, it would have been from
5 the, um, Deputy Assistant Secretary for Visa Services,
6 um, Stuart Wilson.

7 Q. That's right, Stuart Wilson is the person who
8 issued this action memo to you, correct?

9 A. Yes, the, um -- I believe so. I mean I'm -- yes,
10 that would make sense.

11 Q. Do you have access to the action memo, sir?

12 MS. SANTORA: Um, I am looking for it.

13 MS. CONLON: I understand that it's on your
14 screen, Ms. Santora, we've shared it with you. So
15 perhaps you can --

16 MS. SANTORA: Oh, it is, okay. It's on the
17 witness's screen, yes.

18 A. Thank you. Exhibit EY, yes?

19 Q. Yes.

20 Now this memo reflects, on Page 1, that HSI
21 initially identified Ms. Ozturk as deportable
22 potentially under 4(c), the foreign policy provision,
23 right?

24 A. Wait a minute. Yes, in the background.

25 Q. Yes, exactly. Do you see that?

1 Q. And "info" just means someone's letting them know,
2 is that right?

3 A. That's correct. So those people actually did not
4 bring any changes or express any opinion about the
5 document.

6 Q. So it would be more accurate to say that 10
7 offices or persons cleared this memo and three people
8 reviewed it, is that fair?

9 A. I count, um, 9. But, yeah, approximately 10.

10 Q. Okay. Now I have one more action memo I want to
11 discuss quickly. And I would like you to, um --

12 MS. CONLON: Ms. Santora, if you have Ms. Ozturk's
13 action number, that's what I'll be asking him about.

14 Q. Now you decided to revoke Rumeysa Ozturk's Visa,
15 right?

16 A. I believe that was under, um -- yes. Yes, I
17 believe that was under authority that I did exercise in
18 my current position.

19 Q. Meaning, um -- meaning as Senior Bureau Official,
20 you were empowered to make that choice, without needing
21 approval from the Secretary, is that what you mean?

22 A. That's correct.

23 Q. Now --

24 A. In other words, it wasn't a 4(c).

25 Q. In reaching that decision, you did -- I assume

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1 A. Yes, and I see I underlined that. Those are my
2 notes.

3 Q. Yes, I understand, but I also understand that the
4 Court has determined that your notes are protected by a
5 privilege, so I am not going to ask you about any of
6 them, um -- I'll leave that there.

7 Q. Now on the second page of the memo, it gets into
8 the factual basis for the proposed action, um, in that
9 big middle paragraph. Do you see that paragraph, it's
10 the middle, the paragraph on the middle of 2?

11 A. (Looks.) Yes, the one that begins "Ozturk was
12 issued an F-1 Visa on December 14th, 2020, valid until
13 December 9th, 2025." Yes?

14 Q. Yes. Now there are various factual allegations in
15 this paragraph compiled by HSI, correct?

16 A. There's information from HSI, yes.

17 Q. Now I'm not going to get into the specifics, but
18 it's fair to say, because you have this in front of you,
19 that this memo considered whether or not she had engaged
20 in antisemitic activity, right, is that a fair
21 characterization?

22 A. Just a moment.

23 Q. Sure.

24 A. (Looks.) Antisemitic activity was part of it.
25 I'm reading it. I see that "S. Wilson noted the

1 totality of the circumstances."

2 So as I believe I stated in my deposition, and
3 have said before, we have to look at the totality of the
4 cases, something that we do with a fair amount of
5 effort. And I think my notes, whether they're protected
6 or admissible or not, the copious amount of them
7 indicates that I looked at this with a fair amount of
8 effort and actually thought about the decision before
9 making it.

10 As a matter of fact, exceptionally, for all the
11 paper I go through in a week or a month or a day
12 sometimes, I actually remember taking some of these
13 notes. I thought long and hard about Ms. Ozturk's case.

14 MS. CONLON: Your Honor --

15 THE COURT: Wait a minute.

16 MS. CONLON: Okay.

17 THE COURT: It's appropriate to say that, um, I
18 think I have erred. I don't think any deliberative
19 privilege applies to ones notes to themselves, and they
20 reflect precisely what the witness has testified, and I
21 now vacate the order as to these, Mr. Armstrong's notes,
22 on the memo to him, as to which he made the decision.

23 Go ahead.

24 Q. Now these notes indicate, in that bottom
25 paragraph, the first line, you wrote the words "actions

1 not words," concerning Ms. Ozturk, correct?

2 A. Yes, that is my handwriting. And the emphasis on
3 that was that it wasn't just her statements, it was
4 things that she did.

5 Q. Yes, now that is exactly what I want to talk to
6 you about. That whole sentence states, "While Ozturk
7 has been involved with actions, protesting Tufts'
8 relationship with Israel, DHS, ICE, HSI, has not however
9 provided any evidence showing that Ozturk has engaged in
10 any antisemitic activity or made any public statements
11 indicating support for a terrorist organization or
12 antisemitism generally."

13 What this sentence describes are things she did
14 not do, correct, actions she did not take?

15 THE COURT: Well it says what it says. But go
16 ahead with your question.

17 A. I would read it with the whole paragraph, things
18 taken out of context do not reflect the totality of
19 complicated cases, which this was a complicated case, as
20 the amount of my notes indicate.

21 Q. Now the whole --

22 A. The next thing her --

23 Q. I'm sorry, I'm going to walk you through the whole
24 paragraph, so don't worry, we're not going to ignore the
25 rest of it.

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1 The rest of the paragraph --

2 A. I would -- yeah, I would point out that she had a
3 connection with this banned student organization.

4 Q. Now you say she had a connection, but what the
5 report to you actually says is that the report from HSI
6 implies a connection between her and a now-banned
7 student group. And if you look at the paragraph above
8 that, that implied connection is that she co-wrote an
9 Op-Ed where she agreed with the proposal that had also
10 been agreed to by that student group, isn't that
11 correct, that that's the activity with the connection?

12 A. No, that is not the connection. They said clearly
13 there's a connection, and the connection is not just the
14 Op-Ed in my understanding.

15 Q. But your understanding was only based on this
16 action memo, right, you don't have independent knowledge
17 about Ms. Ozturk's activities apart from what was
18 presented to you here?

19 A. My decision was based on the action memo, that is
20 correct.

21 Q. And it goes on to say that the report presents no
22 evidence other than her membership in a group, which
23 notably is not the group that was banned, but a group
24 that supported a proposal by a banned group, it said it
25 had no evidence other than that, of her connection,

1 right? That's all there was?

2 MS. SANTORA: Objection.

3 THE COURT: No overruled. The question is
4 leading, um, strongly leading, but it's appropriate.

5 A. (Pause.) Is the question that you are asserting
6 that the only evidence was that she belonged to an
7 organization that was a satellite or an ally of another
8 organization, yes?

9 Q. A "satellite"?

10 A. Or associated with another organization.

11 Q. Yes, I guess that is my question. The activity
12 that was the basis for your reaction here, I just want
13 to make sure I understand, because I agree your notes
14 are important.

15 There seem to me to be two actions here described.
16 One, is her writing of an Op-Ed, that is a supposed
17 action. Two, what's treated here, it seems as an
18 action, is that she was part of a group that in the
19 Op-Ed supported a proposal of another group. So some
20 sort of attenuated affiliation with this other group.

21 Am I understanding that correctly?

22 MS. SANTORA: Objection.

23 THE COURT: No, the objection is made, but
24 overruled.

25 A. I'm sorry, there's too many talking at me at once.

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1 I'm trying to focus on this. I'm really trying to
2 answer the question.

3 THE COURT: I don't doubt it, sir. Let me try it.

4 As you looked at this paragraph and evaluated it
5 and the totality of the circumstances, is it correct
6 that you, um, considered or were considering at least
7 two actions, and I'll name them. One, is the writing of
8 the Op-Ed. And the second is the, um, affiliation with
9 the group that sponsored the Op-Ed, which, um, had,
10 you're inferring from this, a connection with the
11 now-banned student group.

12 Have I got that right?

13 THE WITNESS: Okay. In reviewing it, the key
14 thing is looking -- and as I recall it, and based on my
15 notes, the key thing that made -- was key in my
16 decision, were her actions. The, one, actions of
17 protesting Tufts' relationship with Israel. Secondly,
18 her activities and associations, which are not speech.
19 Activity and associations with these groups may
20 undermine foreign policy by creating a hostile
21 environment for Jewish students in indicating support
22 for a designated terrorist organization. Those were the
23 key things. Her activities and associations creating a
24 hostile environment for Jewish students and indicating
25 support for a designated terrorist organization. And

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1 that that was not presented here?

2 A. Just one moment. I believe so, yes, because we
3 didn't use that provision, which would have required the
4 -- also the approval of the Secretary of State.

5 Q. And just so the record is --

6 A. Yes, I think that's -- yes, a short answer is,
7 yes, the foreign policy grounds did not apply. Of
8 course if the Secretary of State were to determine that,
9 then a different story. But we didn't believe -- Deputy
10 Assistant Secretary Wilson did not believe that they
11 applied.

12 Q. And just so the record is clear, whatever you've
13 said about her alleged affiliation with that group, this
14 action memo says that there was no evidence that she was
15 involved in any of the activities of the suspended
16 group. It says that very clearly. Do you see that?
17 It's the bottom of the second page, the top of the
18 third.

19 A. It says "any antisemitic activity or public
20 statements indicating a support for a terrorist
21 organization, or antisemitism generally." That's what
22 it says.

23 Q. Sir --

24 A. She was clearly involved with the Palestine -- I'm
25 sorry, the Tufts Students for Justice in Palestine.

1 then the actions of protesting against Israel.

2 THE COURT: Go from there, Ms. Conlon.

3 Q. It's fair to say that the Op-Ed that she wrote is
4 also being construed as an action here?

5 MS. SANTORA: Objection.

6 THE COURT: Overruled.

7 A. If it's in a -- it wasn't the key factor.

8 Q. Can you please answer the question.

9 A. Sure, it wasn't a key factor. If writing -- I
10 suppose one could consider that an action. I think it
11 was more indicative of her motivation in her activities,
12 in her associations and in her activities to create a
13 hostile environment for Jewish students. And I also
14 noted that the Tufts -- and its underlined, "images of
15 weapons." Tufts Students for Justice in Palestine was
16 placed in suspension, the organization she was
17 associated with.

18 Q. Right, associated in your view, because she
19 supported a proposal of another organization that this
20 organization also agreed with. You agree with me this
21 doesn't say she was a part of the group that you've just
22 described?

23 THE COURT: Too long. Start another question.

24 Q. Mr. Armstrong, this memo found that there were not
25 grounds under the foreign policy provision, correct,

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1 Q. Okay, just so we're really clear here, because I
2 really don't think she deserves to be besmirched
3 further, it says --

4 THE COURT: Just a moment. That's inappropriate.
5 All you do is ask questions.

6 Are we very clear on that, Ms. Conlon?

7 MS. CONLON: Yes, your Honor.

8 THE COURT: All right. It's the witnesses who are
9 testifying here. And though I play a bit role, I'm the
10 one who is going to draw the inferences. Not you.

11 Go ahead.

12 Q. It states, quote, "Nowhere has DHS, ICE, HSI,
13 shown any evidence that Ozturk was involved in any of
14 the activities which resulted in TJSP's being suspended
15 from Tufts," correct?

16 A. Which paragraph are we in, please?

17 Q. We're in the sentence at the bottom of the page
18 that rolls onto the top of the next one, that's right in
19 front of you.

20 A. (Looks.) Yes, I see that.

21 Q. So you said --

22 A. "Nonetheless she was associated with the
23 organization, the Tufts Student for Justice in
24 Palestine. She was against Tufts' relationship with
25 Israel. An association is an activity. She was

1 involved in the Tufts Students for Justice for Palestine
 2 activity including when they had the interim suspension
 3 for the use of images of weapons to promote a protest
 4 rally. You know if you know join the student intifada
 5 --
 6 Q. Okay, Mr. Armstrong, we're short on time and I
 7 think this memo is in evidence --
 8 A. It's sort of like saying -- I mean I don't want to
 9 waste your time, ma'am, but it's sort of like saying --
 10 Q. I'm going to stop it right here, but I have one
 11 question, just so I'm clear.
 12 This was done under 221(i), not 4(c), correct?
 13 A. Just one moment. I believe it was 221(i), but let
 14 me look at the top of the memo. Yes, 221(i). Not 4(c).
 15 Not 3(c).
 16 Q. And that's a provision that let's you revoke not
 17 for foreign policy reasons, but for any reason?
 18 A. That is correct.
 19 Q. Or for none at all?
 20 A. There is a reason. It's a discretion. I treat
 21 that power, as I believe all Consular Officers, and I
 22 try to instill this in them, should treat it seriously.
 23 A revocation is a serious decision.
 24 Q. Okay, thank you very much.
 25 MS. CONLON: Nothing further.

1 *****
 2 VEENA DUBAL
 3 *****
 4
 5 DIRECT EXAMINATION BY MR. WANG:
 6 Q. Good morning, Professor Dubal. And the first
 7 question for you, Professor, is where do you work?
 8 A. I work at the University of California, Irvine,
 9 the School of Law.
 10 Q. And what do you do there?
 11 A. I'm a Professor of Law.
 12 Q. Do you have a role with the American Association
 13 of University Professors?
 14 A. Yes, I am the General Counsel of the AAUP.
 15 Q. Right. So I'm going to call that organization the
 16 "AAUP," going forward, is that all right?
 17 A. Great.
 18 Q. When did you begin your role as General Counsel
 19 with the AAUP?
 20 A. Um, late October, 2024.
 21 Q. And turning to the organization itself. What is
 22 the AAUP?
 23 A. So the AAUP is one of the nation's oldest
 24 professional organizations, um, representing faculty,
 25 um, and graduate student workers at Universities and

1 THE COURT: And, Ms. Santora, do you have any
 2 questions for this witness?
 3 MS. SANTORA: No, we don't, your Honor.
 4 THE COURT: Mr. Armstrong, thank you. And you're
 5 excused.
 6 THE WITNESS: Thank you, your Honor.
 7 (Zoom ends.)
 8 THE COURT: And call the last witness.
 9 MR. WANG: Good morning, your Honor, Xiangnong
 10 Wang for the plaintiffs, and the plaintiffs call Veena
 11 Dubal.
 12 (Interruption by Court Reporter.)
 13 THE COURT: And you did just right, but the first
 14 thing you did was state your name and it seemed to come
 15 from nowhere.
 16 MR. WANG: You know after two weeks, I've learned.
 17 THE COURT: So have we, sir.
 18 The witness may take the stand.
 19 (Take stand.)
 20 (VEENA DUBAL, sworn.)
 21 THE CLERK: And can you please state your full
 22 name and spell your last name for the record.
 23 THE WITNESS: Veena Dubal. My last name is
 24 D-U-B-A-L.
 25

1 colleges in the U.S., and the goal of the organization
 2 is to, um, define and protect academic freedom and
 3 shared-governance principles.
 4 Q. Does the AAUP's mission encompass protecting its
 5 members right to engage in speech outside of their
 6 scholarly work?
 7 A. Yes, we call that "extramural speech," um, and
 8 from our inception it has been central to the mission of
 9 the organization.
 10 Q. And so what do you mean by "extramural speech"?
 11 A. So "extramural speech" is generally defined as
 12 speech in which a speech was made as a citizen, a person
 13 who makes it as a citizen, as opposed to in the context
 14 of being a, um -- in the context of their expertise as a
 15 researcher and a scholar.
 16 Q. And when you say as a citizen there, do you mean
 17 in their personal capacity?
 18 A. In their personal capacity, yes.
 19 Q. Does that include engaging in political protests?
 20 A. Yes.
 21 Q. What about signing public protests?
 22 A. Yes.
 23 Q. Why is protecting extramural speech part of the
 24 AAUP's mission?
 25 A. That's a great question. So it was first

EXHIBIT E



← Post

 **Marco Rubio** 
@marcorubio



We will be revoking the visas and/or green cards of Hamas supporters in America so they can be deported



From apnews.com

6:10 PM · Mar 9, 2025 · **19.5M** Views

 16K

 22K

 134K

 3.5K



 **Read 16K replies**

EXHIBIT F

← Truth Details

4891 replies



Donald J. Trump
@realDonaldTrump

Following my previously signed Executive Orders, ICE proudly apprehended and detained Mahmoud Khalil, a Radical Foreign Pro-Hamas Student on the campus of Columbia University. This is the first arrest of many to come. We know there are more students at Columbia and other Universities across the Country who have engaged in pro-terrorist, anti-Semitic, anti-American activity, and the Trump Administration will not tolerate it. Many are not students, they are paid agitators. We will find, apprehend, and deport these terrorist sympathizers from our country — never to return again. If you support terrorism, including the slaughtering of innocent men, women, and children, your presence is contrary to our national and foreign policy interests, and you are not welcome here. We expect every one of America's Colleges and Universities to comply. Thank you!

11.3k ReTruths 49.8k Likes

Mar 10, 2025, 1:05 PM



EXHIBIT G

OPINION | GUEST

Op-ed: Try again, President Kumar: Renewing calls for Tufts to adopt March 4 TCU Senate resolutions

By [Rumeysa Ozturk](#), [Fatima Rahman](#), [Genesis Perez](#) and [Nicholas Ambeliotis](#)

Published Tuesday, March 26, 2024

On March 4, the Tufts Community Union Senate [passed](#) 3 out of 4 resolutions demanding that the University acknowledge the Palestinian genocide, apologize for University President Sunil Kumar's statements, disclose its investments and divest from companies with direct or indirect ties to Israel. These resolutions were the product of meaningful debate by the Senate and represent a sincere effort to hold Israel accountable for clear violations of international law. Credible accusations against Israel include accounts of [deliberate starvation](#) and [indiscriminate slaughter](#) of Palestinian civilians and [plausible](#) genocide.

Unfortunately, the University's [response](#) to the Senate resolutions has been wholly inadequate and dismissive of the Senate, the collective voice of the student body. Graduate Students for Palestine joins Tufts Students for Justice in Palestine, the [Tufts Faculty and Staff Coalition for Ceasefire](#) and [Fletcher Students for Palestine](#) to reject the University's response. Although graduate students were not allowed by the University into the Senate meeting, which lasted for almost eight hours, our presence on campus and financial entanglement with the University via tuition payments and the graduate work that we do on grants and research makes us direct stakeholders in the University's stance.

While an argument may be made that the University should not take political stances and should focus on research and intellectual exchange, the automatic rejection, dismissive nature and condescending tone in the University's statement have caused us to question whether the University is indeed taking a stand against its own declared commitments to free speech, assembly and democratic expression. According to the [Student Code of Conduct](#), "[a]ctive citizenship, including exercising free speech and engaging in protests, gatherings, and demonstrations, is a vital part of the Tufts community." In addition, the [Dean of Students Office](#) has written, "[w]hile at times the exchange of controversial ideas and opinions may cause discomfort or even distress, our mission as a university is to promote critical thinking, the rigorous examination and discussion of facts and theories, and diverse and sometimes contradictory ideas and opinions." Why then is the University discrediting and disregarding its students who practice the very ideals of critical thinking, intellectual exchange and civic engagement that Tufts claims to represent?

The role of the TCU Senate resolutions is abundantly clear. The Senate's resolutions serve as a "strong lobbying tool that expresses to the Tufts administration the wants and needs of the student body. They speak as a collective voice and are instrumental in enacting systemic changes." In this case, the "systemic changes" that the collective voice of the student body is calling for are for the University to end its complicity with Israel insofar as it is oppressing the Palestinian people and denying their right to self-determination — [a right that is guaranteed by international law](#). These strong lobbying tools are all the more urgent now given the order by the International Court of Justice confirming that the Palestinian people of Gaza's rights under the Genocide Convention are under a "[plausible](#)" risk of being breached.

This collective student voice is not without precedent. Today, the University may [remember](#) with pride its decision in February 1989 to [divest from South Africa](#) under apartheid and end its complicity with the then-racist regime. However, we must remember that the University divested up to 11 years after some of its peers. For instance, the Michigan State University Board of Regents passed resolutions to end its complicity with Apartheid South Africa as early as 1978. Had Tufts heeded the call of the [student movement in the late 1970s](#), the University could have been on the right side of history sooner.

We reject any attempt by the University or the Office of the President to summarily dismiss the role of the Senate and mischaracterize its resolution as divisive. The open and free debate demonstrated by the Senate process (exemplified by the length, open notice and substantive exchange in the proceedings and the non-passing of one of the proposed resolutions), together with the serious organizing efforts of students, warrant credible self-reflection by the Office of the President and the University. We, as graduate students, affirm the equal dignity and humanity of all people and reject the University's mischaracterization of the Senate's efforts.

The great author and civil rights champion James Baldwin once wrote: “The paradox of education is precisely this: that as one begins to become conscious one begins to examine the society in which [they are] being educated.” As an educator, President Kumar should embrace efforts by students to evaluate “diverse and sometimes contradictory ideas and opinions.” Furthermore, the president should trust in the Senate’s rigorous and democratic process and the resolutions that it has achieved.

We urge President Kumar and the Tufts administration to meaningfully engage with and actualize the resolutions passed by the Senate.

This op-ed was written by Nick Ambeliotis (CEE, ‘25), Fatima Rahman (STEM Education, ‘27), Genesis Perez (English, ‘27) and Rumeysa Ozturk (CSHD, ‘25) and is endorsed by 32 other Tufts School of Engineering and Arts and Sciences Graduate Students.

EXHIBIT H



← Post



Tricia McLaughlin ✓
@TriciaOhio



If you are in this country on a visa, green card or otherwise, you are a guest.

Act like it.

If you are pushing Hamas propaganda, glorifying terrorists that relish the killing of Americans, harassing Jews, taking over buildings, or other anti-American actions that we have seen lately on these campuses, you can book yourself a ticket home. You can expect your visa will be revoked.



Eden Yadegar ✓ @edenyadegar · May 7

RIGHT NOW AT COLUMBIA: Masked anti-Israel students just broke into the library during finals week.

Columbia Public Safety unsuccessfully attempted to stop them.



10:26 AM · May 8, 2025 · 54.1K Views



Read 59 replies

EXHIBIT I



Search for



OUR MISSION

Canary Mission documents individuals and organizations that promote hatred of the USA, Israel and Jews on North American college campuses and beyond. Canary Mission investigates hatred across the entire political spectrum, including the far right, far left and anti-Israel activists.

Canary Mission is motivated by a desire to combat the rise in anti-Semitism on college campuses. We pursue our mission by presenting the words and deeds of individuals and organizations that engage in anti-Semitism, racism and bigotry on the far right, far left and among the array of organizations that comprise the anti-Semitic [Boycott, Divestment, Sanctions \(BDS\)](#) movement.

Canary Mission gathers content from publicly available sources. Additionally, we collect and validate materials [submitted](#) privately through our website. We aggregate this information into a concise and easily searchable format, providing free access to the general public.

Before publication, all content is verified, meeting our high standards of accuracy and authenticity.

When published content is based on validated information submitted privately, a note indicating this is placed on the page.

The addition of individuals to our database is governed by our [Ethics Policy](#) .

Individuals who believe that they should be removed from the Canary Mission website are encouraged to be in touch with us and may become an [Ex-Canary](#).

By shining a light on hate groups and their members, the public is better informed about bigotry on their campuses and in their communities. Canary Mission believes that we all have the right to know if an individual has been affiliated with movements that routinely engage in anti-Semitic rhetoric and actions, promote hatred of Jews and seek the destruction of Israel.



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EXHIBIT J

1 UNITED STATES DISTRICT COURT
 2 DISTRICT OF MASSACHUSETTS (Boston)
 3 No. 1:25-cv-10685-WGY
 4 Volume 2, Page 78 to 121
 5 AMERICAN ASSOCIATION of UNIVERSITY PROFESSORS, et al,
 6 Plaintiffs
 7 vs.
 8
 9 MARCO RUBIO, in his official capacity as
 10 Secretary of State, et al,
 11 Defendants
 12 *****
 13
 14 For Bench Trial Before:
 15 Judge William G. Young
 16
 17 United States District Court
 18 District of Massachusetts (Boston.)
 19 One Courthouse Way
 20 Boston, Massachusetts 02210
 21 Wednesday, July 9, 2025
 22 *****
 23
 24 REPORTER: RICHARD H. ROMANOW, RPR
 25 Official Court Reporter
 United States District Court
 One Courthouse Way, Room 5510, Boston, MA 02210
 rhr3tubas@aol.com

1 A P P E A R A N C E S
 2
 3 RAMYA KRISHNAN, ESQ.
 4 CAROLINE DeCELL, ESQ.
 5 ALEXANDER ABDO, ESQ.
 6 SCOTT B. WILKENS, ESQ.
 7 ALEXANDRA CONLON, ESQ.
 8 Knight First Amendment Institute at Columbia
 9 University
 10 475 Riverside Drive, Suite 302
 11 New York, NY 10115
 12 (646) 745-8500
 13 E-mail: Ramya.krishnan@knightcolumbia.org
 14 and
 15 COURTNEY GANS, ESQ.
 16 NOAM BIALE, ESQ.
 17 Sher Tremonte LLP
 18 90 Broad Street, 23rd Floor
 19 New York, NY 10004
 20 (212) 540-0675
 21 Email: Cgans@shertremonte.com
 22 For Plaintiffs
 23
 24 ETHAN B. KANTER, ESQ.
 25 WILLIAM KANELLIS, ESQ.
 VICTORIA M. SANTORA, ESQ.
 JESSICA STROKUS, ESQ.
 DOJ-Civ
 P.O. 878
 Ben Franklin Station
 Washington, DC 20044
 (202) 616-9123
 Email: Ethan.kanter@usdoj.gov
 and
 SHAWNA YEN, ESQ.
 United States Attorney's Office
 1 Courthouse Way, Suite 9200
 Boston, MA 02210
 Email: Shawna.yen@usdoj.gov
 For Defendants

1 I N D E X
 2
 3 WITNESS DIRECT CROSS REDIRECT RECROSS
 4
 5 PETER HATCH (Continued.)
 6 By Ms. Conlon 12
 7 By Ms. Strokus
 8
 9
 10 E X H I B I T S
 11 (None marked.)
 12
 13
 14
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 16
 17
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1 P R O C E E D I N G S
 2 (Resumed, 11:00 a.m.)
 3 THE COURT: All right. We'll start with this
 4 issue which Ms. Strokus characterizes as a "percolating
 5 issue."
 6 But, Mr. Kanellis --
 7 MR. KANTER: Mr. Kanter, your Honor.
 8 THE COURT: Mr. Kanter. I'm sorry. And I have
 9 read your briefs, and I am appreciative about them, and
 10 in at least one respect I do reconsider my order. And
 11 let me say I appreciate the careful way you have, um,
 12 suggested redactions in the subset of materials. And
 13 you're absolutely right in at least two respects.
 14 There's no reason to disclose e-mails or cell phones,
 15 you can redact those.
 16 I guess I do want to say one other thing. I don't
 17 understand why you're objecting so vigorously to this
 18 subset? And I'll tell you why.
 19 What I get from this -- the whole exercise is
 20 trying to persuade me, is this shows officers of the
 21 government -- some are attorneys, actually seeking to
 22 follow the law, to bring the conduct of enforcement
 23 agents and the like, in accordance with the law. And it
 24 reveals the process that they went through to follow the
 25 law. That's what I get about it. And that's really

1 what drew my interest. There's a larger group of
2 material, but that's what drew my interest to this
3 subset. I'll say no more.

4 Why shouldn't I, um, subject to the protective
5 order that it's used, "Just for the purposes of this
6 litigation. It's not to be spread around. We'll see if
7 any of it gets in evidence." I'll hear you.

8 MR. KANTER: Thank you, your Honor.

9 I will start with one clarification in light of
10 the examination that is, um, we're in the middle of, and
11 that was the reference to the so-called "ROAs," "Reports
12 Of Analysis," and Ms. Conlon can correct me, I thought I
13 heard, um, her to say that some of the ROAs are in the
14 subset. They are not.

15 MS. CONLON: And I stood up to say exactly that.
16 I wanted to indicate to the Court that I think I made a
17 mistake.

18 THE COURT: Okay, so we're not talking about that.

19 MR. KANTER: I just want to --

20 THE COURT: Go ahead, as to the materials I have
21 here.

22 MR. KANTER: To begin with and that I think as
23 the -- and that three of the documents in the subset --
24 this is the thing. There were two in-camera
25 submissions. The third, we explained the confusion

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1 instance, I've adhered to the enhanced Visa scrutiny. I
2 think "Well that's national security, put that out,"
3 we're dealing with people who at one time we invited in
4 and we gave them Visas, green cards, and the like, and
5 that's what I'm looking at. And that's the class, if I
6 think of it as a class, the class of people who these
7 lawyers represent.

8 So putting that to one side, I look at the rest of
9 it, some of it's interesting to me. And I'm not judging
10 anything, I'm simply telling you why it's interesting to
11 me.

12 MR. KANTER: Your Honor, I take your point --

13 THE COURT: So you tell me why I should put it
14 aside and not have it part of the record.

15 MR. KANTER: Exactly. I will offer this up. That
16 it is a difficult calculus that often the law
17 enforcement, um, officers and investigators, and so
18 forth, are confronted with.

19 THE COURT: Except where's the government if I
20 reveal any of it?

21 MR. KANTER: We represent the defendant agencies.

22 THE COURT: Correct.

23 MR. KANTER: And those agencies reviewed these
24 documents carefully, at multiple levels, and it's --
25 it's a question. As your Honor pointed out, there are

1 there, which had to do with merely, you know -- the
2 first in-camera submission was redacted and we provided
3 it to the plaintiffs, it's been the subject of the
4 plaintiffs' motion to compel, which your Honor decided
5 in the government's favor, denying the plaintiffs'
6 motion to compel.

7 So the point regarding the subset that I wanted to
8 make was that the first document in the subset and the
9 last two were part of what was litigated in that motion
10 to compel. That's the only sort of point of
11 clarification. Because, um, the documents in the subset
12 straddled the two submissions.

13 THE COURT: Understood. All right. I don't want
14 to take up your time.

15 MR. KANTER: Yes.

16 THE COURT: But let me say this. On this issue,
17 and indeed throughout the litigation I've made it clear,
18 that I'm not impugning in any way the good faith of
19 counsel for the defense, or of the plaintiffs. All
20 right? Trials are living things. Now -- it's one thing
21 in the run-up to a trial, you're ruling on discovery
22 motions, but now it's put to me. I am the factfinder
23 here. I take that with extraordinary seriousness.

24 And so now -- though in a jury-waived case I'm
25 perfectly able to look at something and say -- for

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1 instances in which the government may choose to -- not
2 with waiving a privilege, but nevertheless turn
3 something over. And in the case we have decided that
4 certain materials will only be shown attorneys' eyes
5 only. That is an ongoing discussion and consideration.

6 But I take the point your Honor is making, which
7 is we're saying this goes to the matters at issue in the
8 factfinding of the Court. And you're asking why is it
9 that the government would stand on its privileges with
10 respect to some of that information? I take that point.
11 I will take it back to the agencies. And -- but, you
12 know, we, um, we want to represent the agencies, extend
13 the privileges that are theirs to assert. And, um --

14 THE COURT: All right, here's what we're going to
15 do. Now -- you go ahead and do that, but -- and I'll
16 take responsibility.

17 By 5:00 this afternoon, redact -- if I've missed
18 any, all cell phone numbers, all e-mail addresses, and
19 otherwise turn it over. Subject to a complete call-back
20 if the agency -- because the question is am I going to
21 have it as part of the record or not? It's attorneys'
22 eyes only, it's used for the purposes of this
23 litigation. That's the order. Let's call the witness
24 back and we'll run till 12:00.

25 MR. KANTER: I take the order, I'm not challenging

1 it --

2 THE COURT: Feel free in the appropriate way.

3 MR. KANTER: A point of information, which is we

4 have redacted and we've shown the Court our redactions

5 with respect to what you just referenced. Already it is

6 before your Honor. And secondly, to the extent that

7 your Honor is proposing to turn over material that is

8 outside those redactions, we would request a stay of the

9 ruling so the Solicitor General can decide whether or

10 not to seek mandates. But I don't understand your Honor

11 to be turning over material that we have redacted.

12 THE COURT: Wait a minute. Wait a minute. I

13 just -- I just -- yes, and I've made --

14 MR. KANTER: We provided redactions.

15 THE COURT: I know you have, and I've sustained so

16 much of them as, um -- excuse me. I've sustained so

17 much of them as excised cell phone and e-mail addresses.

18 You're going to have to do it again, because as to the

19 rest of it, I overrule it. Now you make a motion to

20 stay --

21 MR. KANTER: I make a motion to stay.

22 THE COURT: Of course, which is your right. I

23 allow the motion until 9:00 tomorrow morning. You will

24 then turn it over unless there is a stay from some court

25 of competent jurisdiction. I have the obligation to try

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1 I have urged cooperation in significant respects,

2 though I don't challenge anyone's good faith, there has

3 not been cooperation. I need to get through the trial.

4 The parties are benefitted if I get through the trial.

5 Now let's get the witness in here.

6 (Pause.)

7 THE COURT: Where'd he go?

8 MS. SANTORA: Your Honor, Victoria Santora for the

9 defendants. If I may? We were not able to respond to

10 the motion to compel, but I do just want to note that as

11 plaintiffs --

12 THE COURT: You just won it?

13 MS. SANTORA: So I did -- just to the extent that

14 you said that you will consider the witness's conduct in

15 not appearing at trial, I do want to note that it was a

16 logistical issue more on the part of the attorneys than

17 on the witness.

18 THE COURT: Then it could be worked out rather

19 than having to make motions. You know we have days. We

20 have a weekend here.

21 MS. SANTORA: I agree, your Honor. And we are

22 willing to cooperate with opposing counsel.

23 THE COURT: I expect it. And that's helpful.

24 Thank you, Ms. Santora.

25 What happened to -- usually when we have a jury

1 this case and there's exigencies in moving through the

2 case. That's the order of the Court.

3 All right.

4 MR. WILKENS: Your Honor, may I be briefly heard

5 for the plaintiffs? Scott Wilkens.

6 THE COURT: Well I don't think you'll be part of

7 it, but, Mr. Wilkens, we've got a witness coming in, but

8 it's always a pleasure for you to fill the time.

9 (Pause.)

10 MR. WILKENS: I will sit down, your Honor. Thank

11 you.

12 THE COURT: Well there's no need, I spoke

13 seriously.

14 Yes, Mr. Biale?

15 MR. BIALE: Your Honor, briefly there's another

16 issue.

17 We have a lawyer who went down to New York for the

18 deposition that was --

19 THE COURT: Oh, I know. That's right.

20 You know I'm troubled by this nonproduction of

21 witnesses. I sense some gamesmanship here. Having said

22 that, I'm not going to compel his attendance. It bears

23 on the Court's assessment of these witnesses when he's

24 called upon to testify. Believe me, it bears on it that

25 he was not produced against this background.

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1 and we have sequestered witnesses and they don't come

2 when you call them, I tell stories about the courtroom

3 to the jury.

4 MS. CONLON: We'll hear your stories, your Honor.

5 THE COURT: No, here he is.

6 (Mr. Hatch, the witness, enters courtroom.)

7 THE COURT: And, Ms. Conlon, you may continue.

8 MS. CONLON: Thank you, your Honor.

9

10 DIRECT EXAMINATION BY MS. CONLON: (Continued.)

11 Q. Okay, Mr. Hatch, before the break you were

12 describing for the Court, um, the instructions that you

13 received at the March meeting with HSA leadership

14 concerning student protestors. One of the things you

15 said was that you were directed, um, to review and

16 analyze whether any of the student protestors had, for

17 example, supported terrorist organizations.

18 Did anybody specify Hamas in particular in the

19 meeting?

20 A. I don't --

21 MS. STROKUS: Objection, your Honor, to the extent

22 it calls for the deliberative process in the discussions

23 in the meeting.

24 THE COURT: Oh, actually, Ms. Strokus, you're

25 right, you must ask were any of the directions relative

1 to Hamas?

2 MS. CONLON: Yes, I will rephrase it.

3 THE COURT: (To the witness.) Do you see the
4 line? Not the discussions, but the directions about
5 what you were going to do.

6 Did anyone mention that you were, among other
7 things, going to take a look at Hamas or pro-Hamas
8 activity?

9 THE WITNESS: Um, yes, we -- the -- supporting
10 Hamas would be, um, relative to a violation of law. So
11 it would be standard practice for an analyst to that
12 anyway. However, um, my direction to the team, um, was
13 to look for, um -- as an example, to look for Hamas, any
14 statements in support of Hamas, or any activities.

15 THE COURT: And a question for me.

16 Hamas was a designated terrorist organization well
17 before January 20th of this year, correct?

18 THE WITNESS: Yes, your Honor, that's correct.

19 THE COURT: All right.

20 Go ahead, Ms. Conlon.

21 MS. CONLON: Thank you.

22 Q. You were just talking about the directions that you
23 gave to others, but I want to bring it back to the
24 directions you received from HSI leadership before we
25 discuss what you may have directed others to do. So

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1 from my supervisors to, um, focus directly and solely on
2 Hamas.

3 Q. Do you recall receiving any direction to focus on
4 any particular foreign terrorist organization?

5 A. I recall receiving direction to focus on violations
6 of the U.S. law. I don't -- I don't recall any
7 instruction to me specifically to Hamas.

8 Q. Well earlier when you were answering the Court's
9 questions about the instructions you received, you give
10 certain examples of the kind of things that the Office
11 of Intelligence was supposed to be on the lookout for.
12 And your examples, as I recall, included inciting
13 violence, supporting terrorist organizations, etc.

14 But it's true that the direction was actually
15 broader, it was to look for any potential violations of
16 Title VIII, correct?

17 A. Yes, any violations of U.S. law.

18 Q. Including Title VIII?

19 A. Our organization specializes in immigration and
20 customs law.

21 Q. And the examples you were giving were examples that
22 might be particularly relevant to the review of a
23 student protester's conduct, is that correct?

24 A. Yes. You're asking me to speculate and those are
25 the ones that would be -- those are the ones that I can

1 sticking with what you were directed to do as a result
2 of this meeting.

3 Were you specifically directed to look at whether
4 student protesters supported Hamas as opposed to just
5 all foreign terrorist organizations, was there any
6 specific direction concerning Hamas?

7 A. I don't recall receiving any specific direction to
8 me to look at Hamas.

9 Q. You don't recall anything in the meeting about
10 student protestors resulting in a direction to review
11 whether the student protestors expressed support for
12 Hamas?

13 MS. STROKUS: Objection, your Honor, deliberative
14 process privilege. He's asking about --

15 THE COURT: Please. Please. I'm not a fan of
16 speaking objections. It's sufficient, and I think it is
17 your right, to say "Objection, deliberative process
18 privilege." That calls into mind what we're talking
19 about. If I need argument, I'll ask for it.

20 This is directions. It's limited to directions.

21 And do you understand the question?

22 THE WITNESS: Yes, but I think, um, counsel
23 rephrased the question from one to the other.

24 THE COURT: Go ahead.

25 A. So I do not recall receiving any specific direction

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1 think of that would be relevant right now.

2 Q. Well you are an authority here, so I'm happy to have
3 your understanding of it.

4 Now when you say "supporting terrorist
5 organizations," in this context, were you given any
6 direction about what "supporting" means here for the
7 work of the Office of Intelligence?

8 A. I was not.

9 THE COURT: From something you said earlier, I got
10 the sense, but let's see if I heard it right. And
11 thereafter you carried out that mission, but you carried
12 it out in your usual way?

13 THE WITNESS: Yes, sir.

14 Q. What kind of evidence does the Office of
15 Intelligence look for as indicative potentially that a
16 noncitizen supports a foreign terrorist organization?
17 Can you -- I'm trying to understand what you mean when
18 you say "supporting a terrorist organization"?

19 MS. STROKUS: Objection, your Honor.

20 THE COURT: Yeah, sustained.

21 Q. What does "supporting a terrorist organization" mean
22 when you say it?

23 A. (Pause.) Again the analyst looks for indicators,
24 does not make the judgment on whether the activity
25 actually supports or doesn't support terrorism. So we

1 look for activities, um, such as, um, support for a
2 terrorist -- statements in support of a terrorist
3 leader, um, everything from that to material support,
4 which would be providing money to a terrorist
5 organization or making, um, donations to an organization
6 that's affiliated with a terrorist organization. But I
7 really don't want to say any more detail than that.

8 THE COURT: And that's perfectly acceptable to the
9 Court. Let me give you this example.

10 If you find out that a person was saying, um,
11 statements like this, " Hamas is right, what Hamas is
12 doing is right for the situation, or for the Middle
13 East, or just right." And I'll stop there.

14 How does that fit or doesn't it?

15 THE WITNESS: Yes. In that example, the analyst
16 would be, um, within policy to include that statement,
17 because again the analyst is just collecting the facts.

18 THE COURT: Right.

19 THE WITNESS: If the person actually didn't say
20 that or someone alleged they say that and the analyst
21 found out that they didn't say that, then they would
22 write the facts and not the allegations. So it's just
23 factfinding.

24 If they, um, made a statement in support of the
25 Yankees, the analyst wouldn't put it in there because

1 it's not related to a national security or public safety
2 issue. Although in the case of the Yankees, it might
3 be.

4 Q. Are you a Nationals' fan?

5 A. I'm a Red Sox fan.

6 Q. Oh, then you're in the right place.

7 So the Court gave you an example of a statement
8 that say, for example, " Hamas is right," that could be
9 relevant to, um, an analyst's compiling of a report of
10 analysis about a student protester.

11 Could a statement like "Free Palestinian" be
12 similarly relevant?

13 A. Again all of these are on a case-by-case basis. But
14 it could be, depending on the circumstances of that
15 individual. But as long as that statement was factual
16 and we could corroborate that it was made by the
17 individual under the circumstances described.

18 Q. And just to understand the flip side of it. Could a
19 statement condemning the actions or the existence of
20 Israel still be relevant to a report of an analyst in
21 the same way?

22 A. Again, it depends on the circumstances of the
23 individual. It depends on the individual circumstances.
24 But the analyst would -- as long as that statement is
25 factual, the analyst would not be against policy in

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1 including that in the Report Of Analysis. And it isn't
2 the, um, the presence or existence of a Report of
3 Analysis does not presume guilt or innocence, it's just
4 factfinding.

5 Q. Okay. So it's fair to say the analyst's job is to
6 include whatever facts could be relevant to a
7 determination that a person, um, act contrary to U.S.
8 law and that could include the person's speech, correct?

9 A. That's correct. It includes all kinds of
10 activities.

11 Q. Now, um, this -- back to the March meeting -- we'll
12 move on from it momentarily, but back to this March
13 meeting where you received this guidance to produce
14 these reports.

15 A team was formed to carry out that line of
16 effort, correct?

17 A. I don't believe the team was formed during that
18 meeting, I think the team was formed after that meeting,
19 maybe a week after, several days after. I don't know
20 the exact timeframe.

21 Q. And for our ease of reference here, that team's
22 nickname was the Tiger Team?

23 A. It was called the "Tiger Team," yes.

24 Q. And the Tiger Team included senior officials
25 carrying out this line of effort?

1 A. The Tiger Team consisted of not senior officials, it
2 consisted of analysts, an agent, um, and led by the unit
3 chief you mentioned earlier, Roy Stanley. He was not
4 the unit chief at the time -- he was not the division
5 chief at the time, he was the unit chief.

6 Q. Were you part of the Tiger Team?

7 A. No, I was not part of the Tiger Team.

8 Q. Who, um, briefed you on the progress of the Tiger
9 Team?

10 A. Um, the unit chief, often through my deputy Brad
11 Edder, was the one briefing me on the activities, or the
12 progress of the Tiger Team.

13 Q. Now the Tiger Team, which was formed shortly after
14 this March, um, meeting had rolling discussions over the
15 following days about its work, right?

16 A. I believe they had daily discussions.

17 Q. "Daily," you said?

18 A. Within the team, you're asking me about discussions
19 within the team?

20 Q. Actually, um, now understanding you're not a part of
21 the team, I'm interested in your contact with the team.

22 So how often did you speak with the team?

23 A. I did not speak with the team as a group, I spoke
24 with the team leader maybe once a day on all issues, not
25 just, um, the team's issues, and specifically with the

1 team, um, I mean over the last -- over -- maybe
2 initially once a day. But after weeks, when the team
3 was home, maybe every other day, um, three times a week
4 maybe.

5 Q. And the team itself, so far as you knew, did its
6 work on a daily basis, right?

7 A. Yes.

8 Q. When you had discussions with senior leadership
9 about the work of the Tiger Team, those discussions
10 included the people you mentioned earlier, Derrick
11 Gordon, Robert Handler, William Walker, Roy Stanley, is
12 that right?

13 A. Yes.

14 Q. Okay. So I want to talk about the Tiger Team's
15 process for this line of effort.

16 The Tiger Team was -- well, withdrawn.

17 At the March meeting, I understand that a
18 procedure to expedite this work was set up, and I'm
19 thinking of what you said in your deposition, in
20 particular that the Office of Intelligence would do the
21 factfinding, the National Security Division of Homeland
22 Security Investigations would compile the information in
23 a letter to the State Department, and the State
24 Department would make the decision on what action to
25 take.

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1 THE WITNESS: That is the description of the
2 process. How the mechanics worked and how it was
3 conveyed to the State Department? I don't know the
4 details of that.

5 Q. Well we talked in your deposition, right, about how
6 the National Security Division would send a letter to
7 the Department of State called a "DHS referral." Do you
8 remember that?

9 A. Yes, only because you showed me -- I did not know it
10 was even called a "DHS referral." I just knew it as the
11 National Security Division's letter.

12 Q. Okay. So from your perspective, the way it works
13 is, you, your Office of Intelligence gives the report to
14 the National Security Division, and that division, which
15 is led by Andre Watson, gives a letter, we'll call it
16 the "DHS letter," to, um, the State Department?

17 A. That's how I understand it.

18 Q. Okay. Now the first instance of a recommendation
19 being made by anyone in the chain of decision-makers
20 occurs in that step that the National Security Division
21 takes, correct?

22 A. Yes, that's not made in the Office of Intelligence.

23 Q. And I mention this, but just for clarity.

24 The head of the National Security Division is
25 Andre Watson, is that right?

1 Is that a fair summary of the process that emerged
2 as a result of this meeting?

3 A. Yes, that's a fair summary of the three steps.

4 Q. Okay. Now you have said, a couple of times, that
5 Reports Of Analysis that the Office of Intelligence
6 created did not have a recommendation of actions to
7 take, right?

8 A. That's correct.

9 Q. The recommendations for any actions to take it
10 overlaid when the Report Of Analysis goes from the
11 Office of Intelligence to the National Security
12 Division, correct?

13 A. The National Security Division is the first step in
14 the decision-making process on making judgments or
15 assessments of the facts collected in the ROA.

16 Q. And it's your understanding that the National
17 Security Division conveys its views of the next
18 appropriate step in a letter that the National Security
19 Division sends to the State Department, correct?

20 MS. STROKUS: Objection, your Honor, this calls
21 for speculation. He does not work in the National
22 Security --

23 THE COURT: Well we'll see if he knows, whether he
24 worked there or not.

25 Is that correct?

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1 A. That's correct.

2 Q. And he is the person who sends the letters that come
3 from the Office of Intelligence -- or I'm sorry,
4 withdrawn, and strike that.

5 He's the person who sends the letter from the
6 Department of Homeland Security to the Department of
7 State conveying both the ROA produced by the Office of
8 Intelligence and the letter from the Department of
9 Homeland Security, correct?

10 A. He's the one who signs the letter? I do not know
11 how it gets sent.

12 Q. Yes, a good distinction. He's the signer. We don't
13 know who the sender is.

14 Okay. So you understood and understand that this
15 three-step process is intended for the State Department
16 to be able to make a determination, one way or the
17 other, about whether a person's Visa, in the case of a
18 Visa holder, should be revoked, correct?

19 A. No.

20 Q. Okay, tell me what's wrong with that?

21 A. I think that's -- that may -- the State Department
22 can use the ROA and the information we collect in
23 whatever way they need to to make decisions related to
24 the State Department. I think Visa revocations is one
25 way they may use it. But it may not be the only way.

1 Q. Okay. Are you talking right now about how it
2 generally works or how it worked in this 3-step process
3 on student protesters?
4 A. It's my understanding that this way would include --
5 what I just said would include both of your scenarios.
6 Q. All right. And to be clear, what you're saying is
7 that it would be up to the State Department to determine
8 what the appropriate action was to take?
9 A. That's correct.
10 Q. And that could include you understood and understand
11 a Visa revocation, right?
12 A. It could include a Visa revocation.
13 Q. And it could include a determination that a lawful
14 permanent resident is removable, correct?
15 A. It could anything under their authorities and I
16 believe in that case -- the example you just mentioned
17 is one of their authorities.
18 Q. Now this process was -- the 3-step process was
19 developed in conjunction with, um, Mr. Watson, who again
20 is the head of the National Security Division, right?
21 A. Yes, but I don't -- this process could have existed.
22 It's not a complicated process of factfinding, a letter
23 to the authoritative decision-maker. So, um, this could
24 have been used -- like I said, Title VIII's been around
25 since the 1950s. This process would have been possible,

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1 the Tiger Team received updates on whether the State
2 Department had acted on its referrals, correct?
3 A. Yes, I believe that through National Security
4 Division representatives, um, I believe the team knew if
5 there was an action taken.
6 Q. An action like an arrest?
7 A. Yes.
8 Q. An action like detention?
9 A. Yes.
10 Q. Now you said earlier --
11 A. It did not go through me.
12 Q. Right.
13 A. So I'm making a, um, a speculation just from what I
14 saw. But I did not dictate the process or have
15 usability of how the mechanics worked.
16 Q. When you say it's speculation, but it's also from
17 what you saw, referring to what you saw, you mean the
18 meetings that you heard, whether or not you led them,
19 correct?
20 A. Well I would hear back potentially from the unit
21 chief or Brad Edder, my deputy, that there had been an
22 action taken.
23 Q. Well it is not required that the State Department
24 let the Department of Homeland Security know that it's
25 taking an action on a referral, right?

1 um, would have been acceptable at any time since Title
2 VIII.
3 Q. It may have been. But you've been in your job for 6
4 years, and until the Tiger Team was formed and this
5 meeting occurred, you had never seen the process work
6 this way, is that right?
7 A. That's right, since 2019, I had never seen it used.
8 Q. And it is, as you say, a simple and sort of
9 expedient process, just three steps, but to you it was
10 new, correct?
11 A. Yes, for me it was new.
12 Q. Now when the State Department did act on these
13 referrals, that information traveled back to DHS,
14 correct?
15 MS. STROKUS: Objection, your Honor, calls for
16 speculation?
17 THE COURT: Well I don't know that he knows, but
18 we'll see.
19 If you know the answer, you may give it.
20 A. I don't know the process for how it got back to, um
21 -- I don't know the steps it took or the pathway it took
22 to get back to HSI.
23 THE COURT: That's his answer.
24 Q. In this case, you were in Tiger Team discussions,
25 consistent with this process, where you understood that

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1 MS. STROKUS: Objection, calls for speculation.
2 THE COURT: Sustained. Sustained.
3 Q. In your experience, you often do not learn whether
4 or not the State Department has acted on a referral that
5 HSI has sent, correct?
6 A. Me personally? No.
7 Q. And it's your understanding that HSI often is not
8 informed of what happens to a referral that it sends to
9 the State Department, right?
10 A. You ask me? I'm only speaking for the Office of
11 Intell. HSI? You'd have to ask -- that's the
12 operational part, the investigative part, the law
13 enforcement part of the agency, not the intelligence
14 part. So I don't have visibility in how or when or
15 under what circumstances they would or would not be
16 notified.
17 Q. And when you say "HSI," the operations part is
18 separate from the Office of Intelligence, are you
19 referring to Mr. Watson of the National Security
20 Division?
21 A. The National Security Division. The other divisions
22 I mentioned in my deposition, all, um, none of them
23 report to me, um, they all report to the same deputy
24 that I do. So, no, I don't have any authority over
25 them. I don't have, um -- I'm not required to have

1 visibility of their actions.
 2 Q. Just a moment. (Pause.)
 3 It is your understanding that HSI leadership has
 4 had ongoing conversations with State Department
 5 employees about the student protesters, correct?
 6 A. It is my understanding that, um, HSI -- members of
 7 HSI have had conversations with the Sate Department. I
 8 don't know if I'm qualified to make the determination if
 9 they're ongoing or at what frequency.
 10 Q. Okay. So this three-step simple process, um,
 11 required HSI to reallocate some of its personnel, right?
 12 A. It required me to reallocate some of my analysts,
 13 um, because of the workload.
 14 Q. People were moved from the Counterterrorism
 15 Intelligence Unit to work on this effort, correct?
 16 A. From the Counterintelligence Unit, the
 17 Counterterrorism Intelligence Unit, from the Cyber
 18 Intelligence Unit, from the Global Trade Intelligence
 19 Unit, from all different parts of HSI intelligence.
 20 Q. And that was, as you say, because of the workload?
 21 A. That's correct.
 22 Q. Now, um, I want to talk about that workload and what
 23 it resulted in.
 24 Here hours of labor were generated in response to
 25 lists of names of student protesters, right?

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1 Q. And actually, I understand just now, and I can
 2 understand why, you don't recall how the names were
 3 transmitted to you. I'd like to see if we can refresh
 4 your recollection. So just give me one moment to see if
 5 I can find something that might be useful. (Pause.)
 6 Okay, I'd like to show you -- or actually we don't
 7 even need to use the screen, because you have a binder.
 8 Could you just look for me at Page 88 of the transcript,
 9 and would you review just Lines 15 to 22. And when
 10 you've had a moment to do that, just let me know that
 11 you've done that, and then I'd like to ask you a
 12 question.
 13 MS. STROKUS: Your Honor, can I request that we do
 14 actually use the screen as well here for the
 15 government's counsels' purpose?
 16 THE COURT: You don't have it? Yes, that may be
 17 done if it can be done. But you may press on,
 18 Ms. Conlon.
 19 MS. CONLON: I can press on. Okay, we'll start
 20 putting it up.
 21 (On screen.)
 22 Q. Okay. Does looking at Page 88 refresh your
 23 recollection at all as to whether you received any names
 24 and requests to generate reports from Mr. Gordon in
 25 writing or orally?

1 A. Yes, but we were working off a number of sources,
 2 including lists.
 3 Q. Now you saw a number of sources, but the lists were
 4 communicated to you through Derrick Gordon, correct?
 5 A. They were communicated to the leadership, including
 6 through the people we mentioned before.
 7 Q. None of the student protester names came to you from
 8 any source other than HSI leadership, correct?
 9 A. They always came through, um, HSI, um, yes,
 10 leadership positions. We did not get -- I did not get
 11 any lists sent to me directly from anyone outside the
 12 agency.
 13 Q. These names were given to you. Were they given to
 14 you in a written form or verbally?
 15 A. Again, um -- I think most of them were -- I don't
 16 know how they were --
 17 Q. If you don't recall --
 18 A. I don't recall how.
 19 Q. Okay.
 20 A. And again, they usually did not go through me
 21 either, they went to my deputy or to the team leader.
 22 Q. The names went from Mr. Gordon either to you or to
 23 your deputy or the leader of the Tiger Team, is that
 24 right?
 25 A. That's correct.

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1 A. Yes, in my deposition I said verbal, but when you
 2 asked me about it now, I was thinking about the Canary
 3 list, which was over 5,000 names, and I don't think we
 4 got them verbally.
 5 Q. I will turn to that in a moment.
 6 THE COURT: Wait, I'm now not understanding. The
 7 what list, um, over 5000 names?
 8 THE WITNESS: The Canary Mission list.
 9 THE COURT: Oh, the Canary Mission list had over
 10 5,000 names. So it didn't make any sense when you said
 11 you got that verbally. You mean someone said, "Here is
 12 a list that the Canary Mission has put together?"
 13 THE WITNESS: Yes.
 14 THE COURT: I just want to understand.
 15 THE WITNESS: Yes, sir. And actually, um, I need
 16 to correct myself, because, um, when I was answering the
 17 question I was thinking of the Canary Mission list,
 18 which is thousands of names, and I was thinking we would
 19 not have gotten that verbally. But actually we, um, the
 20 direction was to look at the website and that was a
 21 verbal direction, so. I'm trying to recall a
 22 conversation from a long time ago.
 23 THE COURT: And I'm equally trying to understand.
 24 So here's what I understand.
 25 Because the Canary Mission had a website, you were

1 directed to take a look at this website for leads?

2 THE WITNESS: That's correct, yes, sir.

3 THE COURT: All right.

4 Q. Okay. The direction to look at the Canary Mission

5 website for its list was given to you in the March

6 meeting that was discussed or was it given to you at

7 another time?

8 A. I don't recall when it was given to us.

9 Q. And do you recall who gave you the direction?

10 A. I don't remember who mentioned it.

11 Q. Do you recall in what setting you received the

12 direction, like a briefing, a meeting?

13 A. I don't know.

14 Q. Okay. But your understanding is that the Office of

15 Intelligence should generate Reports Of Analysis on the

16 names of persons on the Canary Mission's website lists,

17 is that correct?

18 A. That we should look at the individuals named in the

19 Canary Mission website and, um, in that process, when we

20 look at an individual and do research on an individual,

21 it is our process to do an ROA when we have relevant

22 information and activities.

23 THE COURT: So that's over 5,000 people, is that

24 right?

25 THE WITNESS: Yes, sir.

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1 visible to -- or known to a lot of people. And because

2 we're one of the agencies that is responsible for

3 investigating this type of activity, as it relates to

4 immigration and customs offenses, it seemed natural that

5 we would get the list and have to review it.

6 Q. And when you say "get the list," um, is it your

7 understanding Canary Mission provided the list to

8 someone in the government?

9 A. I don't -- I don't know how we, um, got the

10 notification. I don't know who notified us that this

11 website exists. But I can say that Canary Mission is

12 not part of the U.S. government. It is not information

13 that we would take as an authoritative source or -- and

14 we did not work with the individuals who created the

15 website. I don't know who creates the website. We

16 don't have a relationship with the creators of the

17 website.

18 Q. You had never, prior to 2025, been asked to

19 specifically review people identified on the Canary

20 Mission website, right?

21 A. I did not know the Canary Mission website existed

22 until I think after March, March or later of this year.

23 Q. But you have since then seen the Canary website?

24 A. I have looked at the Canary Mission website once.

25 Q. What was the occasion that led you to look at it?

1 THE COURT: Yeah. Okay.

2 THE WITNESS: Which shows why we needed a Tiger

3 Team. A normal division, a normal unit or section or

4 group of analysts, um, operating in our normal

5 organizational construct couldn't handle that workload.

6 THE COURT: Yes. Thank you.

7 Q. And was there a particular timeframe in which the

8 Tiger Team needed to try to get through this very long

9 list?

10 A. We are an organization or an agency that, um, in a

11 world where, um, taking months to do things is not

12 acceptable. So, yeah, it -- we were not -- I was not

13 going to be allowed to say we've got 5 -- well you know

14 a small number of analysts on this, it's going to take

15 them 6 months to get through 5,000 names. I was not

16 given a deadline. But I knew from how we were organized

17 and how we worked that we needed to work through this

18 expeditiously.

19 Q. What is your understanding of why the Canary

20 Missions list was the list to use for this project?

21 A. It was one -- it was a list that made accusations

22 or, um, asserted a lot of information like, um, these

23 protesters are involved in violent activities, are

24 condoning or supporting violence, possibly even

25 terrorist organizations, and that list was, I think,

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1 A. I was curious, because I had heard of it.

2 Q. Do you recall approximately how long ago that was?

3 A. Maybe March, April.

4 Q. Do you have an understanding of what Canary Mission

5 does, like, as an organization, what it is?

6 A. No, I don't have any details on what, um -- only in

7 what type of information was presented on the website.

8 Q. And in broad strokes, do you understand that Canary

9 Mission identifies people who allegedly promote hatred

10 of the United States, Israel, and the Jewish people?

11 MS. STROKUS: Objection.

12 THE COURT: Well on this foundation, I'm going to

13 sustain that. He's told us what he knows about it.

14 Q. So it's fair to say that what you know about it

15 comes from what's on this website?

16 A. Yes, that's correct.

17 Q. Okay. Do you have an understanding of how Canary

18 Mission identifies the people on its website?

19 MS. STROKUS: Objection, your Honor.

20 THE COURT: Well I'm going to let him answer that

21 yes or no.

22 Do you have an understanding?

23 THE WITNESS: No.

24 THE COURT: That may stand.

25 Q. Do you have any understanding of what process they

1 use or don't to verify the information they put on the
2 website?

3 MS. STROKUS: Objection, your Honor.

4 THE COURT: Well you know she's objecting
5 vigorously and there's no foundation for this. He
6 answered no to the last question. He looked at the
7 website once. An understanding? I suppose he might
8 have an understanding if there was some statement from
9 some other person or a source. But this isn't
10 discovery.

11 MS. CONLON: No, your Honor, I don't want to touch
12 on anything that could be deliberative, but I want to
13 better understand this witness's understanding of the
14 work that he was doing.

15 THE COURT: I have it.

16 MS. CONLON: Okay.

17 THE COURT: Again, this isn't a game, you're
18 trying to persuade the factfinder here. And here's what
19 I'm getting from this witness.

20 That, um, they got the -- I shouldn't even say
21 "got the list," somebody had access to this website.
22 Somebody, a superior, said, "Look here, check these
23 people out." Well that's not precisely what he said,
24 but the transcript will govern. And he got on it. And
25 that because there's a reference to Canary Mission, he

1 went and looked at it once and saw whatever he saw. And
2 he's careful to point out, "They're not us." His
3 looking at it told him that they make accusations. And
4 I will tell you, it's significant to me that he said,
5 "We approached it with an independent view," not simply
6 accepting accusations that they got. Now it's not a
7 discovery deposition. I think we've gotten his
8 knowledge. But I'll ask this question.

9 Have I accurately characterized your testimony?
10 Because I didn't use your words exactly and I was just
11 saying this is what I'm hearing.

12 Have I accurately characterized it?

13 THE WITNESS: Yes, your Honor.

14 THE COURT: All right. I think that's what he
15 knows.

16 MS. CONLON: And, your Honor, if that's all he
17 knows, that's all he knows. But we heard about a list
18 of 5,000 people on the website. And I appreciate this
19 isn't discovery, but it's news to us that that is how it
20 worked.

21 THE COURT: Well it's news to me, and I find it
22 very interesting. But I'm telling you what I got from
23 it. And now we've gotten it, so let's move on.

24 Q. So, Mr. Hatch, um, understanding that you have not
25 spent time looking at the website, have you seen Reports

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1 of Analysis that were generated in response to the
2 directive to look at the Canary Mission website?

3 A. We, um -- the analysts wrote ROAs on personnel or
4 individuals who are named in the website.

5 Q. To your knowledge, did the analysts include, in
6 their ROAs, the allegations from the Canary Mission
7 website as relevant -- as information that could be
8 relevant to a potential violation of Title VIII?

9 MS. STROKUS: Objection, your Honor.

10 THE COURT: Sustained. The best evidence are the
11 ROAs.

12 MS. CONLON: And, your Honor, it's ironic because
13 I don't have them and I wish I did.

14 THE COURT: I understand.

15 MS. CONLON: But I can't offer them to you.

16 THE COURT: And we will see about that. Because
17 they would seem, at least with respect to the target
18 individuals, to be relevant. Perhaps they should have
19 been prepared. I've made a ruling now with respect to a
20 subset of documents. It's clarified that I don't have
21 them. I'm wondering about that.

22 Go ahead.

23 MS. CONLON: Okay. I'm sorry, I'm getting a
24 correction from somebody. (Talks to co-counsel.) Yes.
25 Okay.

1 It is our understanding that the Court did receive
2 all 5 of the Reports of Analysis on the targeted
3 individuals in a production -- a document production to
4 the Court on June 11th, that is, um --

5 (To co-counsel.) I think that's correct?

6 THE COURT: Well I'll look at what I have,
7 physically.

8 MS. CONLON: Okay. And for the Court's ease of
9 reference, we understand that to be Docket 131, that
10 docket entry.

11 THE COURT: Thank you.

12 MS. CONLON: Okay.

13 Q. Now, um, you said that the project was to look at
14 this list from Canary Mission. Did the list of student
15 protesters -- it included information of student
16 protesters identified through other means apart from
17 simply Canary Mission?

18 MS. STROKUS: Objection, your Honor, a
19 mischaracterization of testimony.

20 THE COURT: Well let me ask this question.

21 She started out saying how much -- how many ROAs
22 did you look at, and you used the word the "student
23 protester effort," and as you started, I didn't know
24 what you were talking about.

25 Do we now understand that's the Tiger Team's work

1 after you got this list? Well I shouldn't even say "got
2 this list," after the list was provided on the website?

3 THE WITNESS: Yes, your Honor. But the Canary
4 Mission wasn't the only, um, group of students. It was
5 most of it.

6 THE COURT: Yes.

7 THE WITNESS: But it wasn't the only way that we
8 received, um, information on protesters. And also there
9 were duplicates, we received information about the same
10 protester from multiple sources. But Canary Mission was
11 the most inclusive of that.

12 THE COURT: Do you recall other sources? Without
13 revealing investigatory matters.

14 THE WITNESS: There was another website that does
15 the same thing. I don't remember the name of it. Um,
16 and --

17 THE COURT: If I suggested "Betar"?

18 THE WITNESS: That sounds right, sir.

19 THE COURT: Okay. Go ahead.

20 THE WITNESS: And then we would get individual
21 names or we could even get a list from a police
22 department if any protesters were arrested. We could
23 get that.

24 So the list, um, came in from all different
25 directions. The team -- the source of the information

1 was not necessarily relevant to the analyst, because the
2 analysts were doing factfinding, and the analysts were
3 not reporting, um, that, um -- where the name came from,
4 because They're independent from that. Nor would
5 they -- it's not our standard practice, it's not within
6 policy for us to report other people's uncorroborated
7 allegations or assertions. Everything, like I said
8 before, needs to be collaborated.

9 THE COURT: So these sources though that you've
10 now identified, as far as my notes, they came down from
11 Mr. Jordan, is that right?

12 THE WITNESS: Mr. Gordon.

13 THE COURT: Mr. Gordon. They all come down from
14 him. But of course you're looking at them. And you can
15 see if a police department -- for instance, if it
16 arrested someone at a protest, whether it fit within the
17 scope of what the Tiger Team was doing?

18 THE WITNESS: Yes, sir.

19 THE COURT: All right. I think that it's noon. I
20 am -- and I apologize for this, the time is not counted
21 against you, but we'll start promptly at 9:00 a.m.
22 tomorrow morning.

23 The total elapsed time for the plaintiffs is 2
24 days, 15 minutes. For the defense, 2 hours, 30 minutes.

25 We'll recess till 9:00 a.m. tomorrow morning.

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1 We'll recess.

2 THE CLERK: All rise.

3 (Adjourned, 12:00 p.m.)

1 C E R T I F I C A T E

2
3
4 I, RICHARD H. ROMANOW, OFFICIAL COURT REPORTER, do
5 hereby certify that the forgoing transcript of the
6 record is a true and accurate transcription of my
7 stenographic notes, before Judge William G. Young, on
8 Wednesday, July 9, 2025, to the best of my skill and
9 ability.

10
11
12
13 /s/ Richard H. Romanow 07-9-25

14 RICHARD H. ROMANOW Date
15
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18
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24
25

EXHIBIT K

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

No. 1:25-cv-10685-WGY
Volume 1, Pages 1 - 76

AMERICAN ASSOCIATION of UNIVERSITY PROFESSORS, et al,
Plaintiffs

vs.

MARCO RUBIO, in his official capacity as
Secretary of State, et al,
Defendants

BENCH TRIAL DAY 3

BEFORE THE HONORABLE WILLIAM G. YOUNG
UNITED STATES DISTRICT JUDGE

United States District Court
District of Massachusetts (Boston.)
One Courthouse Way
Boston, Massachusetts 02210
July 9, 2025

Court Reporter: Kelly Mortellite, RPR, RMR, CRR
Official Court Reporter
United States District Court
One Courthouse Way
Boston, Massachusetts 02210
mortellite@gmail.com

1 A P P E A R A N C E S

2 RAMYA KRISHNAN
XIANGNONG WANG

3 Knight First Amendment Institute at Columbia
University
4 475 Riverside Drive, Suite 302
New York, NY 10115
5 (646) 745-8500
Carrie.decell@knighcolumbia.org

6 and
COURTNEY GANS
7 NOAM BIALE
ALEXANDRA CONLON

8 Sher Tremonte LLP
9 90 Broad Street, 23rd Floor
New York, NY 10004
10 (212) 540-0675
Cgans@shertremonte.com
For Plaintiffs

11

12 ETHAN B. KANTER
WILLIAM KANELLIS
13 VICTORIA M. SANTORA
JESSICA A. STROKUS

14 DOJ-Civ
P.O. 878
15 Ben Franklin Station
Washington, DC 20044
16 (202) 616-9123
Ethan.kanter@usdoj.gov

17 and
SHAWNA YEN

18 United States Attorney's Office
1 Courthouse Way, Suite 9200
19 Boston, MA 02210
Shawna.yen@usdoj.gov
20 (617) 748-3100
For Defendants

21
22
23
24
25

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P R O C E E D I N G S

(Begins, 9:04 a.m.)

THE COURT: Have we got the witness on the video? But before we do, forgive me, I should say that I've allowed internet access to these proceedings. It's appropriate therefore to say that if you are accessing these proceedings on the internet, the rules of court remain in full force and effect, which means there's no taping, streaming, rebroadcasts, screenshots or other transcription of these proceedings, and it is important that you keep your microphone muted. If you do not and interrupt the proceedings, we will turn you off.

Now, with that stated, counsel, are we ready to continue?

MR. WANG: Your Honor, one brief preliminary matter before we recall Ms. Abu El-Haj. Due to witness scheduling, we reached out to the government yesterday to see if they would be okay with me continuing the questioning of the witness in lieu of my colleague, Ms. Conlon. They consented on the understanding that we would extend them the same courtesy, and if you are amenable to it --

THE COURT: I am.

MR. WANG: Great. Thank you.

THE COURT: But state your name again.

MR. WANG: Yes. That's Xiangnong Wang for the plaintiffs, Your Honor.

1 A. No, it was not on Columbia's campus. It was -- well, I
2 don't know if that's Columbia's campus. It was up at 125th
3 Street on a plaza in front of, I think it was a Columbia arts
4 building, but I honestly do not know if that is considered
5 legally Columbia's campus.

6 Q. The press conference was given at the Lenfest Center For
7 Arts at Columbia University --

8 A. But we were not inside, we were not inside the building.

9 Q. Ah, I see. You were outside. So in that respect you
10:00 10 question whether or not it was at Columbia University?

11 A. Look, I generally just don't know whether legally that
12 public space is owned by Columbia University. That's all I'm
13 saying.

14 Q. New York has over eight million residents, doesn't it?

15 MR. WANG: Objection.

16 THE COURT: I don't know that she is a demographer.

17 MR. KANELLIS: She can tell me if she knows.

18 THE COURT: I'll allow it.

19 A. That sounds right.

10:00 20 THE COURT: All right. We'll let that stand.

21 Q. Okay. And you knew that by giving this press conference,
22 in making these statements critical of the United States and
23 the policy regarding Palestine and the arrest of Mr. Khalil,
24 that this could be heard by a great number of people; isn't
25 that right?

1 A. Yes.

2 MR. KANELLIS: No more questions.

3 A. And I repeat, I'm a U.S. citizen.

4 THE COURT: Nothing further for this witness,

5 Mr. Wang?

6 MR. WANG: Nothing further from us.

7 THE COURT: We thank you, Professor. All right. Call
8 your next witness.

9 MR. BIALE: Your Honor, this is Noam Biale for the
10:01 10 plaintiffs. Plaintiffs call Peter Hatch.

11 THE COURT: He may be called.

12 PETER HATCH, Sworn

13 COURTROOM CLERK: Can you please state your full name
14 and spell your last name for the record.

15 THE WITNESS: Peter John Hatch, H-a-t-c-h.

16 COURTROOM CLERK: Thank you. You may be seated.

17 DIRECT EXAMINATION BY MS. CONLON:

18 Q. Good morning. Is there a way for me to adjust the volume
19 on this? Okay. Good morning, Mr. Hatch.

10:03 20 A. Good morning.

21 Q. My name is Alex Conlon. Thank you for being here.

22 So just to situate us all, Mr. Hatch, you work for the
23 United States Government?

24 A. Yes, I do.

25 Q. Okay. You work in the Department of Homeland Security?

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1 A. Yes, for the component called Immigration and Customs
2 Enforcement.

3 Q. ICE?

4 A. Yes.

5 Q. And specifically, within ICE, you work for the Office of
6 Intelligence; is that right?

7 A. I work for a subcomponent of ICE called Homeland Security
8 Investigations, and within Homeland Security Investigations,
9 I'm the assistant director for the Office of Intelligence.

10:03 10 Q. Okay. Now, you and I of course didn't get to prepare
11 together because you are here with the defendants, so I want to
12 give you a sense of what we're going to cover today for you and
13 the court.

14 In early March you were given the names of student
15 protesters for the Office of Intelligence to produce
16 analysis -- reports of analysis on; is that correct?

17 A. Yes.

18 MS. STROKUS: Objection, Your Honor, leading and
19 foundation.

10:04 20 MS. CONLON: Your Honor, this is an adverse witness
21 and under Rule 611 --

22 THE COURT: Please, I'm familiar with the rules of
23 evidence. What's your response to that?

24 MS. STROKUS: Your Honor, Mr. Hatch is a federal
25 government employee.

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1 THE COURT: He is.

2 MS. STROKUS: And he is prepared to testify honestly
3 and truthfully here today.

4 THE COURT: Well, that's the presumption, and I
5 certainly respect him, as I do all witnesses. She may lead
6 him. I'm familiar with leading, and of course it bears on the
7 weight to be given to the answers, but she may proceed in that
8 fashion.

9 MS. CONLON: Okay.

10:04 10 BY MS. CONLON:

11 Q. Many of the names of the student protesters provided to
12 you for the Office of Intelligence to produce reports of
13 analysis on came from the website Canary Mission, correct?

14 A. It's true many of the names, even most of the names came
15 from that website, but we were getting names and leads from
16 many different sources.

17 Q. The reports of analysis on the student protesters, you had
18 the chance to review, or read, rather, many of them, right?

19 A. I have read several but not all of the reports of analysis
10:05 20 coming out of that effort.

21 Q. And the reports of analysis on the student protesters that
22 you've read, you have seen ones that mention Israel, correct?

23 A. Yes. They've mentioned several of the nations involved in
24 the Middle East conflict.

25 Q. You've seen reports of analysis that mention Palestine,

1 correct?

2 A. Yes.

3 Q. You've seen reports of analysis that mention
4 pro-Palestinian protests, correct?

5 A. I've seen reports of analysis that mention Palestine and
6 issues related to Palestine.

7 Q. You've specifically seen reports of analysis that mention
8 pro-Palestinian protests, correct?

9 THE COURT: Well, I guess now she's framing it, so I
10:06 10 guess the way I hear her, she wants to have you say, when you
11 read reports, did the phrase "pro-Palestinian" -- what was her
12 third word -- "pro-Palestinian activities" or the like, did you
13 receive reports that had those phrases in it?

14 THE WITNESS: I don't think the reports of analysis
15 mentioned that phrase as you've described it. I think the
16 reports of analysis mentioned students involved in protests or
17 personnel involved in protests. I don't know if a report of
18 analysis specifically said, mentioned pro-Palestine protests,
19 you know, those words. I just don't remember.

10:07 20 THE COURT: All right. How about pro-Hamas?

21 THE WITNESS: I do remember reports of analysis that
22 mentioned Hamas, but it isn't the analyst's job to make the
23 determination whether something is pro or con. They would just
24 make the determination that a Hamas leader was, for example,
25 mentioned in the protest or there was some sort of activity or

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1 THE COURT: Government counsel, I just want to call
2 people by names, and again, your name, I'm sorry?

3 MS. STROKUS: Yes, Your Honor. I'm Jessica Strokus on
4 behalf of defendants.

5 THE COURT: Thank you, Ms. Strokus.

6 BY MS. CONLON:

7 Q. So Mr. Hatch, this deposition took place June 25, right?
8 A. Yes.

9 Q. And you had government counsel there with you?
10:09 10 A. Yes.

11 Q. And of course you were under oath in the deposition?
12 A. Yes.

13 Q. And at the outset of that deposition you were instructed
14 that if a question was unclear, you could ask for
15 clarification, right?
16 A. Yes.

17 Q. And in fact, many times you did ask for clarification,
18 right?
19 A. Yes.

10:09 20 Q. Okay. So turning your attention now to the section that
21 you see here on the screen, and this again is page 233,
22 starting at line six, you see where it says, Question: "Do you
23 recall seeing any report of analysis that mentions
24 pro-Palestinian protests?"
25 Answer: "Yes."

1 statement made in support of Hamas or related to Hamas. But
2 the analyst would not make the decision of or classify it as
3 this is pro-Hamas activity, this is pro-Palestine activity.
4 They just don't make those determinations.

5 Q. So I want to make sure we get off on sort of the right
6 foot here, and if I'm misunderstanding something that you've
7 said in your deposition, you can tell me.

8 But we spoke to you in a deposition maybe a week ago; is
9 that right?

10:08 10 A. That's correct.

11 Q. In that deposition -- and for the government's benefit,
12 I'm looking at page 233, lines six to eight.

13 You were asked this question and you gave this answer.

14 Question: Do you recall seeing any reports of analysis
15 that mention pro-Palestinian protests?

16 Answer: Yes.

17 MS. STROKUS: Objection, Your Honor, improper
18 impeachment. Can she please show the witness the testimony to
19 which she's referring?

10:08 20 THE COURT: Under Queen Charlotte's case, that's
21 appropriate.

22 MS. CONLON: I'm happy to show the witness.

23 THE COURT: Yes, let's do it.

24 MS. CONLON: We're queueing it up. While we queue it
25 up --

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1 Do you see that there?

2 A. I do, but that's not what it says.

3 Q. I'm sorry, that's not what it says?

4 A. I'm looking at line -- the question above that was, "Do
5 you recall seeing any report of analysis that refers to
6 pro-Palestinian protests."

7 Q. You then asked that the question be rephrased, right? Do
8 you see that on line four?

9 A. Yes.

10:10 10 Q. And then the question was asked -- and I hate to repeat
11 it, but it says, "Do you recall seeing any report of analysis
12 that mentions pro-Palestinian protests?"

13 That is the question that was put to you, and the response
14 you gave was, "Yes." Isn't that right?

15 A. "Do you recall seeing any report of" -- yes.

16 MS. CONLON: Okay. You can take it down.

17 Q. Now, the reports of analysis about the student protesters,
18 you said that you only reviewed several of them, correct?
19 A. That's correct.

10:11 20 Q. When you say "several," can you give us a sense of how
21 many that means?

22 A. For this particular effort, I probably reviewed a couple
23 of dozen, maybe a dozen, maybe 20.

24 THE COURT: When you say "this particular effort," to
25 what do you refer?

1 THE WITNESS: I review probably almost a thousand,
2 maybe up to a thousand ROAs in total during a year, and we do,
3 the Office of Intelligence does approximately 25,000 to 30,000
4 ROAs a year.

5 THE COURT: But my question was, you're able to say
6 this particular effort, you reviewed about 20. What do you
7 mean by "this particular effort"? What was the mission or the
8 effort that we're talking about?

9 THE WITNESS: When we were looking at the protests.
10 So personnel from -- individuals from the lists of people who
11 were involved in protests.

12 THE COURT: Protests at Columbia or other places as
13 well?

14 THE WITNESS: Other places as well.

15 THE COURT: Thank you. Just so I understand, college
16 protests or --

17 THE WITNESS: Student, student protests and personnel
18 who was participating in those protests.

19 THE COURT: Thank you.

10:12 20 BY MS. CONLON:

21 Q. When you say "personnel participating in the student
22 protests," does that extend to faculty?

23 A. It extends to everyone other than -- yes, and all others
24 who are involved who may not have been associated with the
25 university at all.

1 Q. You said a moment ago that the Office of Analysis -- or
2 Intelligence, rather, produces upwards of 25,000 reports of
3 analysis on all kinds of subjects in a given year, right?

4 A. That's correct.

5 Q. And you said that you review a small slice of that in a
6 given year, maybe a thousand. Did I understand you right?

7 A. That's about right.

8 Q. And you said that in this line of effort, which was
9 compiling reports of analysis on student protesters, that you
10 recall reviewing several dozen; is that correct?

11 MS. STROKUS: Objection, Your Honor. It misstates his
12 testimony.

13 THE COURT: That's not exactly what he said.

14 MS. CONLON: I'm seeking -- I'm sorry.

15 THE COURT: But I understand, and let me try.

16 MS. CONLON: Okay.

17 THE COURT: So with respect to student protests, you
18 recall reviewing about 20?

19 THE WITNESS: That's correct.

10:13 20 THE COURT: All right. Now go from there.

21 MS. CONLON: Okay.

22 BY MS. CONLON:

23 Q. So again, I just want to make sure I'm understanding you
24 and we're on the same page.

25 When you say "dozens," a couple dozen, you mean

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1 approximately 100, isn't that right?

2 A. No. We said about -- I've reviewed about 20 of those.

3 Q. Okay.

4 A. I don't recall the exact number. Like I said, I review a
5 lot of ROAs, so I'm estimating here.

6 Q. Okay. I'm going to ask -- I'm going to ask that we put
7 the transcript back up. And can we please go first to page 83.
8 So first -- and we're going to have to do this in a few parts,
9 but Mr. Hatch, I want to direct your attention to lines 13 to
10:14 10 16 so that you're clear on the context for what I'm going to
11 show you next here.

12 In line 13 you're asked, "Do you recall whether any of
13 these reports of analysis on student protesters mentioned the
14 terms 'Israel' or 'Palestine,'" to which you said yes, which
15 you've also said today. And now moving ahead to page 84, lines
16 10 to 12, when you were asked about those reports, the question
17 was, "And when you say dozens, what's a ballpark figure?" And
18 in line 12 the answer you gave was, "Approximately, 100."

19 So you testified that you know that approximately 100 of
10:15 20 the reports of analysis on student protesters mentioned the
21 terms "Israel" or "Palestine," isn't that right?

22 MS. STROKUS: Objection, Your Honor. It's unclear
23 from the what's on the screen right now what the original
24 question was.

25 THE COURT: If it's clear to the witness -- if it's

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1 clear to the witness, it's sufficiently clear. Do you
2 understand the question?

3 THE WITNESS: Can you show me page 83?

4 MS. CONLON: Of course. And for ease -- sorry, the
5 lines --

6 MS. STROKUS: Your honor, we ask that the witness be
7 provided a paper copy so we don't have to keep flipping back
8 and forth.

9 THE COURT: Do you have one? Do you have one?

10:16 10 MS. STROKUS: No, Your Honor.

11 THE COURT: I was thinking that it might be helpful if
12 I had one, but we live in the real world.

13 MS. CONLON: We may have extra copies. Can I take a
14 moment to look?

15 THE COURT: Well, of course you may.

16 In the hierarchy of getting at the truth, among us, if
17 you have a copy, let's give it to the witness.

18 MS. CONLON: If the court happens to have the pretrial
19 brief exhibits here, the court then does have a full copy, and
10:17 20 we have a copy we could give the witness as well.

21 THE COURT: Give that to the witness.

22 MS. CONLON: It's Exhibit 2 to the pretrial brief.

23 THE COURT: Thank you, and I do.

24 MS. CONLON: May I approach to give the witness the
25 binder?

1 THE COURT: You may.

2 Q. So Mr. Hatch, when you have a chance to look at pages 83

3 and 84, that's where I've been directing your attention, just

4 let me know.

5 A. Yes.

6 Q. Okay.

7 THE COURT: It isn't Exhibit 2 in mine, but don't slow

8 down.

9 MS. CONLON: Okay. I apologize. We're going to get

10 clarification on that, Your Honor, but I won't stop, as you

11 say.

12 Q. So Mr. Hatch, in the deposition you testified that

13 approximately 100 of the reports of analysis on student

14 protesters mentioned the terms "Israel" or "Palestine,"

15 correct?

16 A. Yes, I did.

17 Q. Okay. When you testified earlier a moment ago that you

18 reviewed only maybe 20 or more of these reports of analysis,

19 you were talking about the same reports that you mentioned in

20 the deposition, right?

21 A. Yes, I was.

22 Q. Okay.

23 THE COURT: It's Exhibit 6, but go right ahead.

24 MS. CONLON: Okay.

25 Q. And just to be clear, the 100 or so reports of analysis

1 that mentioned the terms "Israel" or "Palestine" was a subset

2 of the total reports of analysis on student protesters

3 generated in this line of effort, correct?

4 A. Yes, I believe it was a subset.

5 Q. In other words, there were more than 100 reports of

6 analysis generated about student protesters, right?

7 A. Slightly more, yes.

8 Q. How many more?

9 A. There were less than 200.

10 Q. More than 100, less than 200?

11 A. Yes.

12 Q. Okay. So I want to back up for a moment to -- so at a

13 high level, so you understand, those are the topics I want to

14 get into, but I want to get back for a moment to your work.

15 So you told us that you work in HSI, which is part of ICE,

16 and ICE works to, among other things, dismantle transnational

17 criminal organizations, right?

18 A. Yes, HSI's mission is to dismantle transnational criminal

19 organizations.

20 Q. As in, ICE's mission is broader, but HSI's work is focused

21 on dismantling transnational criminal organizations; is that

22 correct?

23 A. That is correct.

24 Q. HSI, where you work, identifies and investigates people

25 suspected of breaking criminal laws, right?

1 A. We don't investigate. We only analyze.

2 Q. You analyze, okay. You research and analyze?

3 A. Yes. We're talking about the Office of Intelligence.

4 Q. Yes. And let's talk about that. So you are the assistant

5 director of the Office of Intelligence, right?

6 A. Yes, I am.

7 Q. And you have worked in law enforcement overall for more

8 than 35 years, correct?

9 A. Yes, I have.

10 Q. You joined the Department of Homeland Security in 2019?

11 A. I became an HSI employee in 2019. Before that I was an

12 officer in the Coast Guard.

13 Q. And when you joined in 2019, you moved into the senior

14 role that you are in now, right?

15 A. I did.

16 Q. It may be obvious to others from your title, but so that

17 I'm clear, you are senior-most office -- official in the Office

18 of Intelligence; is that right?

19 A. I am.

20 Q. And you report directly to senior leadership of the

21 umbrella that is also Homeland Security Investigations?

22 A. Yes, I report to the deputy.

23 Q. The deputy is Derek Gordon?

24 A. That is correct.

25 Q. You oversee more than a thousand investigative analysts?

1 A. Approximately a thousand.

2 Q. Now, the Office of Intelligence focuses on criminal

3 networks, criminal conspiracies, those engaged in criminal

4 conduct, right?

5 A. That is correct.

6 Q. Its work is divided into different types of crimes or

7 program areas like child exploitation or human trafficking?

8 A. Yes.

9 Q. Okay. So you said earlier that the Office of Intelligence

10 doesn't do investigation. It does research and analysis.

11 A. Yes. We are, investigative analysts are not law

12 enforcement officers. They do not have arrest powers. They

13 don't have investigative powers.

14 Q. Okay. And the Office of Intelligence supports

15 investigations, though it does not do them itself, through

16 factfinding, right?

17 A. Yes, we -- yes, we do.

18 Q. And those facts get memorialized in a report called a

19 report of analysis?

20 A. Yes, the report of analysis is the way the investigative

21 analyst documents their work.

22 Q. So I want to talk about what reports of analysis

23 ordinarily contain, and I will be direct with you and tell you

24 I have never seen one. They have been withheld as privileged

25 in this case. So if I ask you a question and it doesn't make

1 sense or it's off-base, please tell me.

2 A report of analysis can focus on a particular person?

3 A. Yes, they can focus on individuals, yes.

4 Q. For our purposes, I'll call an individual that's the
5 subject of a report "the subject," just so I don't have to keep
6 repeating it.

7 The report can have a great deal of factual information
8 about the subject, right?

9 A. The report should have a lot of factual information about
10 the subject and only factual information.

11 Q. And the factual information they should have are facts
12 that could be relevant to a suspected violation of a criminal
13 law; is that right?

14 A. Violations of primarily criminal law but violations of
15 law, and for HSI's mission, violations of immigration and
16 customs law, which is our specialty.

17 Q. And when you say "immigration and customs law," are you
18 referring to the Immigration and Nationality Act?

19 A. Title 8 for immigration.

10:24 20 Q. Okay. The reports of analysis on a subject include, among
21 other things, the person's immigration history?

22 A. Yes, that would be part of it.

23 Q. The history of their activity in the United States?

24 MS. STROKUS: Objection, Your Honor. This line of
25 questioning is teetering on the law enforcement privilege.

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1 you think -- I'll be satisfied with the 30,000-foot view if I
2 can understand what you were doing, and then we may drill down
3 on things that have happened which may bear on what I've got to
4 sort out here. Do you understand my instructions?

5 THE WITNESS: Yes, Your Honor.

6 THE COURT: And so feel free to use them. I'm not at
7 all disrespectful of counsel. You should listen to your
8 counsel, but that's the line I'm following. Go ahead.

9 MS. CONLON: Your Honor.

10:27 10 MS. STROKUS: Your Honor, may I be heard?

11 THE COURT: Yes.

12 MS. STROKUS: These questions and the line of
13 questioning that already began and we are anticipating go
14 straight to methods, indicators, techniques that are privileged
15 under the law enforcement privilege and that will have
16 wide-ranging impacts on criminal and immigration investigation.

17 THE COURT: I'm not clear why you've withheld, if such
18 documents exist, why you've withheld them with respect to the
19 specific targets because that's in the past.

10:28 20 MS. STROKUS: Yes, Your Honor, it is in the past.
21 What I'm saying here is we're talking about reports of analysis
22 generally and what goes into them.

23 THE COURT: So we are. So I'd be interested to see
24 the reports of analysis about any of the people that were
25 denominated targets here. She says you withheld that. I'd be

1 What goes into the report of analysis --

2 THE COURT: I haven't heard it yet.

3 MS. STROKUS: Your Honor, what goes into a report of
4 analysis has been withheld as privilege.

5 THE COURT: It may have, but ultimately that's the
6 court's decision. She may have the question.

7 BY MS. CONLON:

8 Q. A report of analysis may contain history of the subject's
9 activity in the United States, right?

10:25 10 A. It would contain things like their criminal activity,
11 perhaps employment, travel. But without getting into -- I want
12 to keep it in general terms because people know -- if criminals
13 learn what we write in a report of analysis, then they can make
14 adjustments.

15 THE COURT: Actually, you've touched on the line I'm
16 trying to draw. As I view the law enforcement privilege, and
17 you're a person who works in this area, so I want you to tell
18 me if you think a question trenches on it.

19 Nothing here should mess up or impair your office's or
10:26 20 any knowledge you have of government operations' ability to
21 enforce the laws and protect the nation generally.

22 Having said that, we're engaged in a search for truth
23 here about certain things that have happened or haven't
24 happened and are in factual dispute. So it's not wrong for her
25 to start this way because documents have been withheld. But if

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1 interested in seeing that. Maybe we can save a lot of time.

2 MS. STROKUS: Yes, Your Honor, I believe those were
3 submitted to you in camera and withheld from plaintiffs'
4 counsel as law enforcement privilege.

5 THE COURT: I understand.

6 MS. CONLON: If I may assist. The court redirected
7 yesterday the government to submit a log indicating the basis
8 for its withholding of a certain packet of materials you
9 provided to them --

10:29 10 THE COURT: I read the materials.

11 MS. CONLON: They submitted a log that I think makes
12 reference, the one that was just filed last night I think
13 refers to, from what I can tell, at least two reports of
14 analysis on targeted noncitizens, so I know at least the court
15 has those, but of course not what else.

16 MS. STROKUS: Yes, Your Honor. You were provided the
17 individual for the five allegedly targeted individuals in this
18 case in camera.

19 THE COURT: Okay. We'll address that in 15 minutes,
10:29 20 or maybe we should address it now, have him step down, and
21 we'll see where we go. Would you prefer to do it that way?

22 MS. CONLON: I understand the witness has limited
23 time, and I want to be to respectful of it.

24 THE COURT: Yes, I do, too. So let's go ahead and get
25 him on his way.

1 BY MS. CONLON:
 2 Q. Okay. So Mr. Hatch, without revealing any techniques of
 3 law enforcement, a report of analysis includes only factual
 4 information; is that right?
 5 A. That is correct.
 6 Q. It does not include, for example, a summary of anyone's
 7 opinion about the facts, correct?
 8 A. No, it should not include any opinions at all.
 9 Q. And a report of analysis in describing factual material
 10:30 10 may append the underlying source materials to it for someone
 11 else to review, correct?
 12 A. Yes, as part of our procedure, is to make sure that it's
 13 repeatable and you can find out why certain things were
 14 included or what the source material was for something being
 15 included.
 16 Q. I want to talk about how ordinarily the Office of
 17 Intelligence gets tasked in the ordinary course as opposed to
 18 in this line of effort with creating these reports of analysis.
 19 And a report of analysis can be generated by the Office of
 10:31 20 Intelligence in response to a request from a law enforcement
 21 partner, correct?
 22 A. Yes. In fact, most of the time it's a special agent who
 23 is asking the investigative analyst for help in finding more
 24 information out about an individual.
 25 Q. A special agent who, for example, is already investigating

1 someone and seeking help from the Office of Intelligence to
 2 gather information?
 3 A. That's one of the ways, yes.
 4 Q. And that is most often the way, correct?
 5 A. That is most often the way. But it's not the only way.
 6 Q. The agents who make such requests of the Office of
 7 Intelligence can be situated outside of the Office of
 8 Intelligence and in other parts of HSI, right?
 9 A. Yes, the domestic offices, the programs, even leadership.
 10:31 10 Q. Requests for reports of analysis can also come from
 11 outside of HSI and outside of the Department of Homeland
 12 Security, correct?
 13 A. As long as it goes through HSI leadership and I get my
 14 tasking from HSI leadership, we can be asked to look into any
 15 individual.
 16 Q. Now, I want to talk about what ordinarily happens when the
 17 Office of Intelligence receives such a request. The office
 18 gets the request from an agent, and when the report of analysis
 19 is created, it goes back to the agent who asked for it,
 10:32 20 correct?
 21 A. In most cases, yes, but not in every case. It could be
 22 provided to a related program. And again, we're only talking
 23 right now about what we receive from a special agent, but we do
 24 get tips and leads before an investigation that needs some
 25 background information or needs some information to be gathered

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1 before it's given to the investigator to determine whether or
 2 not to continue an investigation or to start an investigation.
 3 Q. And when you say the Office of Intelligence gets tips or
 4 leads, so something outside of an agent in HSI asking for help,
 5 do you mean tips and leads like outside of the government, like
 6 civilians?
 7 A. It includes civilians. We have a tip line that civilians
 8 can call and provide information.
 9 Q. Can civilians also provide information through the
 10:33 10 agency's social media channels, for example, by tweeting at the
 11 Department of Homeland Security?
 12 A. I suppose they could. I have never seen an instance of
 13 that.
 14 Q. So you're aware only of tips through a tip line and not
 15 any other means; is that right?
 16 A. Tips through the tip line or some other connection point
 17 with HSI. Sometimes tips are left in emails or sent to emails
 18 or sometimes to other public-facing phone numbers or email
 19 boxes, not to an individual but to a box.
 10:34 20 Q. Now, ordinarily, after a report of analysis is generated,
 21 and for clarity, that's done at the level of an analyst in the
 22 Office of Intelligence; is that right?
 23 A. What's your question? Can you repeat that?
 24 THE COURT: She hasn't asked it yet.
 25 Q. Reports of analysis are created not by you but by

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1 investigative analysts in the Office of Intelligence, right?
 2 A. Yes, the analysts write the ROAs. I have not written
 3 ROAs.
 4 Q. Not ever probably?
 5 A. Right.
 6 Q. Okay. Once the ROA is drafted by an investigative -- or
 7 by an analyst, the ROA -- and I apologize for the record.
 8 That's what I'm abbreviating, report of analysis.
 9 THE COURT: I am following.
 10:35 10 Q. The ROA does not have to go through any formal sign-off
 11 procedure within the Office of Intelligence before it can leave
 12 the office and be given to whoever requested it, correct?
 13 A. Yes. They do not go through me, if that's what you're
 14 asking. I do not have approval process where I sign off on
 15 every ROA.
 16 Q. Right, because there's like 25,000 of them in a year?
 17 A. Correct.
 18 Q. Okay. And you have a deputy, correct?
 19 A. I have one deputy.
 10:35 20 Q. Mr. Etter, Bradley Etter?
 21 A. That's correct.
 22 Q. He also doesn't have to sign off on ROAs before they go
 23 outside of the Office of Intelligence, right?
 24 A. No. The relationship is the analyst works with the agent,
 25 and that's a partnership that we try to encourage.

1 Q. In other words, we're talking about direct collaboration
2 between the analyst in the Office of Intelligence and the agent
3 who asked for the office's help?

4 A. That's correct.

5 THE COURT: This may all be relevant, but how much
6 more do you think you have for this witness?

7 MS. CONLON: In general or on this topic?

8 THE COURT: No, in general.

9 MS. CONLON: I have a great deal more.

10:36 10 THE COURT: And you want to get him out of here today?

11 MS. CONLON: I do. I understand that he has a lot on
12 his plate.

13 THE COURT: He may very well. They may have questions
14 for him. All right. You go ahead. I guess I'm thinking,
15 though he's being perfectly responsive to your questions as far
16 as I can see, it might be helpful to get to this case.

17 MS. CONLON: I'm almost there, I promise.

18 BY MS. CONLON:

19 Q. So in the ordinary course, sticking with your regular
10:36 20 process, not the student protester process for a moment, after
21 the Office of Intelligence gives the report of analysis to the
22 party who requested it, that is often the end of the Office of
23 Intelligence's involvement in that case, correct?

24 A. Yes. Oftentimes we don't hear back from the agent on any
25 results of the investigation.

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1 related to the protesters. So if you're asking me, I don't
2 recall any instances of LPRs being referred to the State
3 Department because of protest activity. I don't know the
4 answer if we referred to any LPRs -- "we" being HSI referred
5 any LPRs for other types of activity, I just don't -- I'm not
6 sure I would remember those.

7 Q. You don't think you'd recall whether you reviewed reports
8 that went to the State Department about lawful permanent
9 residents before?

10:39 10 A. Yes. It's not something I would, as the assistant
11 director, that I would be involved in in the normal course of
12 business. It wouldn't really rise to my level as an issue.

13 Q. Do you recall ever seeing see a referral of a student
14 protester for a visa revocation before 2025?

15 A. I don't recall that.

16 Q. Now, President Trump was inaugurated in January, right, of
17 this year?

18 A. Yes.

19 Q. January 20. Is that a yes, if you know?

10:40 20 A. Yes.

21 Q. And shortly after he took office, he issued several
22 executive orders that relate to the work of the Department of
23 Homeland Security, correct?

24 A. Yes.

25 Q. You read, for your work, executive orders that relate to

1 Q. Now, you've been in your role for six years,
2 approximately?

3 A. Since 2019.

4 Q. For your first five and a half years in your role, you
5 were never involved in the investigation of a foreign student
6 engaged in political protest, correct?

7 A. I was never asked -- again, I don't do investigations.

8 Q. Sorry.

9 A. So I was never -- I don't recall any instance where I was
10:37 10 asked to review protest activity.

11 Q. Now, prior to 2025, to the best of your knowledge, you
12 also weren't involved in cases involving lawful permanent
13 residence for potential action by the State Department,
14 correct?

15 A. No. We -- I don't recall any actions where we provided
16 information to the State Department, but we were -- that is,
17 that referral to the State Department is one of the statutes in
18 Title 8, and we've been investigating or we've been analyzing
19 Title 8 offenses since I've been there.

10:38 20 Q. So just to bring you back to the question, you had seen
21 reports of analysis on visa holders that went to the State
22 Department prior to 2025 but not reports of analysis on green
23 card holders, lawful permanent residents that went to the State
24 Department before 2025, correct?

25 A. That I don't recall because I thought your question was

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1 the work of HSI, correct?

2 A. Yes, the ones that I can find and interpret, yes.

3 Q. Okay. And one of the orders that has affected the work of
4 HSI this year is Executive Order 14161, which is titled
5 Protecting the United States From Foreign Terrorists and Other
6 National Security and Public Safety Threats. Is that right?

7 A. Yes, but if you're going to ask me questions about it, can
8 I have it, can I read it?

9 Q. Of course.

10:40 10 MS. CONLON: Your Honor, you look like you were going
11 to say something. Should I continue?

12 THE COURT: No. I didn't understand your question.
13 But go ahead and ask your question. He understood it, and I
14 think I do. He's familiar with that executive order, but if
15 you're going to question him --

16 MS. CONLON: He wants to see it.

17 THE COURT: -- we better look at it.

18 Q. Okay. So we have put a document that has been marked as
19 Exhibit 70, which is in evidence, in front of you. Do you see
10:41 20 it on the screen there?

21 A. Yes, I do.

22 Q. Do you recognize that as Executive Order 14161?

23 A. Yes.

24 Q. And you can see it was issued January 20, 2025?

25 A. I can see that.

1 Q. Okay. You've seen this before, right?

2 A. I have seen it.

3 Q. Now, part of this executive order relates to HSI's work,
4 correct?

5 A. It does.

6 Q. The part that most directly relates to HSI's work I think
7 appears in Section 2, little (a), little number (4), so if you
8 would direct your attention there. We may be able to make it
9 bigger, maybe.

10:42 10 A. I can read it.

11 Q. Great. That part of the executive order calls for the
12 vetting and screening to the maximum degree possible all aliens
13 who intend to be admitted, enter or are already inside of the
14 United States, particularly those aliens coming from regions or
15 nations with identified security risks; is that right?

16 A. Screening and vetting is part of HSI's mission.

17 Q. That is exactly what I wanted to ask you.

18 Screening includes looking, from HSI's perspective, at an
19 individual to see if there is any derogatory information about
10:42 20 that person, right?

21 A. Yes, that's also almost quoted directly from my
22 deposition.

23 Q. I'm glad that you also remember it.

24 OI, Office of Intelligence screens a particular person and
25 then writes a report of analysis with any derogatory

1 information if they find it, right?

2 A. Yes. And we are one of the agencies that does screening
3 and vetting. There are an umbrella of agencies or cluster of
4 agencies that do this in coordination.

5 Q. Including and pursuant to this executive order, right?

6 A. That's correct.

7 Q. President Trump has issued other executive orders that
8 also affect your work this year, right?

9 A. Yes.

10:43 10 Q. Are you familiar with Executive Order 14188, which regards
11 combatting antisemitism?

12 A. I am, but as you recall from the deposition, that was the
13 first time I had read that executive order.

14 Q. So that's not one you had read closely?

15 A. No.

16 Q. Okay. Then I will not ask you to read it now.

17 So turning to early March of this year, after this
18 executive order that we just looked at, Exhibit 70 --

19 THE COURT: Now we're turning? Just a matter of case
10:44 20 management here.

21 MS. CONLON: Sure.

22 THE COURT: I said we'd take a brief recess, at which
23 time I would hear the government, who is asking me to
24 reconsider on a subset of documents which I'm familiar with
25 which don't include but now they point out these ROAs at least

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1 as to what we've denominated target individuals here.

2 I appreciate what you're doing. I'm prepared to go on
3 or stop and have argument. You're not part of it. It doesn't
4 count against anyone's time. How do you wish to proceed,
5 Ms. Conlon?

6 MS. CONLON: I'd like to keep going if that's okay?

7 THE COURT: It is okay, as long as I can pay full
8 attention. We will take a recess out of necessity. Go ahead.

9 MS. CONLON: Okay. Did Your Honor want to recess now?

10:45 10 THE COURT: No. Do you want to keep going?

11 MS. CONLON: I do, if that's okay.

12 THE COURT: We will.

13 MS. CONLON: Okay, great.

14 BY MS. CONLON:

15 Q. So in early March of this year you attended a briefing on
16 student protests, correct?

17 A. I did.

18 Q. This briefing on student protests in March included your
19 boss, Derek Gordon?

10:45 20 A. Yes, my boss, Derek Gordon, the chief of operations,
21 William Walker, a number of other people, but the senior --
22 many of the senior leadership of HSI.

23 Q. So you mentioned that the briefing on student protests in
24 March included William Walker, we've said Derek Gordon. Do you
25 recall whether Robert Hammer was there?

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1 A. I think so.

2 Q. And Mr. Hammer is the deputy executive associate director
3 of Homeland Security Investigations or rather he was just
4 before Mr. Gordon took over; is that right?

5 A. He was at the time, yes.

6 Q. Okay. I see. So the meeting occurred when Mr. Hammer was
7 still incumbent in that seat and then Mr. Gordon took over?

8 A. That's correct.

9 Q. The meeting also included Roy Stanley, the chief of the
10:46 10 analysis division for the Office of Intelligence; is that
11 right?

12 A. I believe he was there and he is the unit chief for the
13 analysis division within Office of Intelligence.

14 Q. Do you recall who else from senior leadership was there,
15 or is that the group?

16 A. I don't -- I don't remember who else was there.

17 Q. Okay. Now, in this meeting, the meeting was convened by
18 HSI's leadership, correct?

19 A. Yes.

10:47 20 Q. And the meeting was held as part of HSI's effort to
21 implement Executive Order 14161, correct?

22 A. I do not characterize it that way because, as I recall
23 from the discussions, I don't think that was the topic of the
24 meeting. The meeting was to talk about protest activity or
25 student protesters who may be in violation of U.S. law.

1 Q. So it's your understanding that the meeting was about an
2 effort to gather information on student protesters, but you
3 don't understand it to have been --

4 THE COURT: Let's not beat around the bush. I'm
5 interested in this meeting. You're the witness. Not how she
6 characterizes things. What were the instructions or the like
7 from the briefing?

8 MS. STROKUS: Objection, Your Honor.

9 THE COURT: Overruled.

10:48 10 MS. STROKUS: Objection, Your Honor, deliberative
11 process privilege.

12 THE COURT: They weren't deliberating. They were
13 being briefed. When you're briefed, you're told what's going
14 to happen. Were you deliberating?

15 THE WITNESS: We weren't briefing. We were
16 discussing.

17 THE COURT: I stand corrected. It was referred to as
18 a briefing.

19 So you were discussing and you have characterized the
10:48 20 discussion as student protesters who may have broken the law?

21 THE WITNESS: Yes, sir.

22 THE COURT: Okay. And having been corrected and I
23 appreciate your persistence, I sustain the objection.

24 And now I'll ask this. So as a result of that
25 meeting, what instructions, if any, were adopted? And again,

1 I'm going to explain the line I'm drawing because I have some
2 trust that you're following the line.

3 When you're kicking stuff around, the rest of us
4 aren't entitled to know that, just as I kick stuff around with
5 my law clerks. Once I've decided what we're going to do, well,
6 then in the judicial end I have to write it all out and that's
7 all above it. In your executive end, whatever is decided that
8 bears on this case and student protesters, we're entitled to
9 know that, and I need to know it.

10:49 10 Do you have that in mind?

11 THE WITNESS: Yes, Your Honor.

12 THE COURT: So recognizing that's the line, what came
13 out of it?

14 THE WITNESS: To look at the protesters, to develop
15 reports of analysis on the protesters, specifically looking for
16 violations of U.S. laws, including and specific to immigration
17 and customs laws.

18 THE COURT: Can you be any more specific as to the
19 immigrations and customs laws that you were looking for were?

10:50 20 THE WITNESS: Thinking in general terms, it was
21 anything that may relate to national security or public safety
22 issues, things like were any of the protesters violent or
23 inciting violence? I think that's a clear obvious one. Were
24 any of them supporting terrorist organizations? Were any of
25 them involved in obstruction or unlawful activity in the

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1 protest?

2 THE COURT: What do you mean by "obstruction"?

3 THE WITNESS: Like blocking normal citizens from going
4 about their business.

5 THE COURT: Okay. Thank you.

6 THE WITNESS: And that we would use the normal report
7 of analysis process and our normal trade craft for this.

8 THE COURT: Proceed, Ms. Conlon.

9 MS. CONLON: Okay. Thanks.

10:51 10 BY MS. CONLON:

11 Q. So you characterized it as a meeting, not a briefing; is
12 that right?

13 A. I characterized it as a discussion.

14 Q. You would call it a discussion?

15 A. Yes.

16 Q. The discussion was led by HSI leadership?

17 A. I think only HSI was in the room.

18 Q. So by default.

19 THE COURT: We're going to --

10:51 20 MS. CONLON: Sorry.

21 THE COURT: I'm not the only one who needs a break
22 here. The court reporters need to switch. So what we're going
23 to do is we're going to take a break until 11:00. That's the
24 break. If you want to leave some time to have argument about
25 issues that are to be discussed, fine. Otherwise you can run

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1 until 12:00, and I'm stopping and we will take this matter up
2 tomorrow without any further argument. And hopefully we can
3 get him on his way.

4 MS. STROKUS: Your Honor, we were told by plaintiffs
5 that Mr. Hatch would be going first today. He made his travel
6 arrangements to testify today. I understand that we are going
7 into tomorrow. May I request that we do, after the break,
8 arguments on the issues that are percolating so that Mr. Hatch
9 is able to rearrange his travel schedule?

10:52 10 THE COURT: In other words, you'd like to cause him to
11 rearrange his travel schedule so that we get that taken care
12 of, argument about -- you call it the issues percolating -- the
13 issues about the documents I said could be turned over but I
14 wanted to give you a chance to argue. That's how you'd like to
15 do it?

16 MS. STROKUS: Your Honor, just based on the outline
17 that Ms. Conlon started in the beginning, it does not sound
18 like direct will be completed today.

19 THE COURT: So long as he's going to be here tomorrow,
10:53 20 I'm fine with that. She's nodding her head. But for now,
21 five-minute break for all of us. I will hear you at 11:00, no
22 more than ten minutes of argument. That's not an invitation to
23 take ten minutes. And when that's resolved, you may resume the
24 stand, and we'll have the pleasure of your company tomorrow
25 probably. We'll recess. (Recess, 10:53 a.m.)

CERTIFICATE OF OFFICIAL REPORTER

I, Kelly Mortellite, Registered Professional Reporter, Registered Merit Reporter and Certified Realtime Reporter, in and for the United States District Court for the District of Massachusetts, do hereby certify that the foregoing transcript is a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter to the best of my skill and ability.

Dated this 9th day of July, 2025.

/s/ Kelly Mortellite

Kelly Mortellite, RPR, RMR, CRR

Official Court Reporter

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EXHIBIT L



Search for a Professor



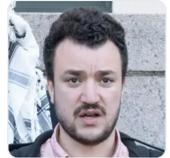
Mahmoud Khalil

Status: Student

State: New York

Organizations: CUAD, BDS

University: Columbia



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PROFILE UPDATE – MARCH 12, 2025

- In March 2025, Mahmoud Khalil was arrested by the U.S. Immigration and Customs Enforcement (ICE), which reportedly revoked his student visa. A Department of Homeland Security (DHS) spokesperson said that Khalil "led activities aligned to Hamas, a designated terrorist organization."
- Khalil has been leading anti-Israel protests at Columbia since at least October 12, 2023—just days after Hamas' attack on Israel. That day, he led a rally where activists chanted "From the river to the sea," a slogan condemned by the U.S. House of Representatives as antisemitic and used by Hamas to call for Israel's destruction.
- Khalil is a leader of the Columbia University Apartheid Divest group (CUAD), the current home for [Students for Justice in Palestine \(SJP\)](#) and [Jewish Voice for Peace \(JVP\)](#), after they were suspended for pro-terror activities. It is now a [coalition](#) of "over 80 student groups."
- Khalil openly justified Hamas terrorism, speaking as a CUAD representative in a video [posted](#) on X. He stated, "We've tried armed resistance, which is legitimate under international law, but Israel calls it terrorism."
- On October 7, 2024, the first anniversary of Hamas' terror attack where they murdered 1,200 Israelis, Khalil [held](#) a leadership role in a CUAD-organized pro-Hamas protest at Columbia. The next day, CUAD [defined](#) this protest by their desire to "bring the war home"—a phrase tied to the movement's broader strategy of bringing about the downfall of the USA. For more information on their war on America, see Canary Mission's campaign "[Bringing the War Home](#)."
- CUAD's members [wrote](#) on August 16, 2024, that they "must work hard to weaken US imperialism." The New York Post also [reported](#) on March 9, 2025, that Khalil's group seeks the "total eradication of Western civilization."
- On March 24, 2024, CUAD co-organized a [pro-terror](#) event titled "Palestinian Resistance 101," featuring [Khaled Barakat](#), a senior member of the [Popular Front for the Liberation of Palestine \(PFLP\)](#), a designated terrorist organization.
- Khalil has acted as a lead negotiator for CUAD during several major incidents in 2024 and 2025.
 - In April 2024, Mahmoud Khalil acted as a lead [negotiator](#) for the pro-Hamas encampment at Columbia on behalf of CUAD. The Columbia encampment was a violent, pro-Hamas stronghold where activists took over buildings, held workers hostage, and chanted for Israel's destruction. Police found weapons and antisemitic propaganda, while Jewish students faced harassment and threats.
 - Khalil served as a [negotiator](#) after pro-Hamas agitators occupied the library lobby at Barnard College on March 5, 2025, in protest of students [suspended](#) for "interrupting a 'History of Modern Israel' class on Jan. 21 and distributing fliers, including one that showed a jackboot squashing a Jewish star." The takeover was organized by CUAD. During the protest, anti-Israel activists reportedly shared posters that read: "DEATH TO AMERICA," [writing](#) the same message on the library's guest book. Classes were [reportedly](#) disrupted and the police were sent to the location [citing](#) a "bomb threat."

Mahmoud Khalil's Participation in the Pro-Hamas Encampment at Columbia University (Columbia) & Arrest for Pro-Hamas Activities



Palestinian supporters demonstrate during a protest at Columbia University on Oct. 12, 2023, in New York.

AP Photo/Yuki Iwamura

Mahmoud Khalil [participated](#) in the pro-Hamas encampment at Columbia in April 2024 as a [lead negotiator](#) [00:36:30] on behalf of [Columbia University Apartheid Divest \(CUAD\)](#), an anti-Israel student coalition. He has also [expressed](#) support for Hamas terrorism as a CUAD representative.

CUAD is a [coalition](#) of "over 80 student groups working toward the goal of collective liberation." CUAD is part of the [Boycott, Divestment, Sanctions \(BDS\)](#) movement. The group's demands [included](#) "a ceasefire in the Israel-Hamas war, divestment from Israel... and to reinstate" the pro-terror campus groups [Students for Justice in Palestine \(SJP\)](#) and [Jewish Voice for Peace \(JVP\)](#) after the Columbia administration suspended them. CUAD members have also [declared](#) that their goal is "to weaken US imperialism" [and](#) the "total eradication of Western civilization."

In March 2025, Khalil was [arrested](#) by U.S. Immigration and Customs Enforcement (ICE), which reportedly revoked his student visa. A Department of Homeland Security (DHS) spokesperson said that Khalil "led activities aligned to Hamas, a designated terrorist organization." Khalil was [scheduled](#) to appear before a federal immigration judge.

On October 7, 2024, the first anniversary of Hamas' terror [attack](#) on Israel, Khalil [participated](#) in a [leadership role](#) in a pro-Hamas protest [organized](#) by CUAD at Columbia. The next day, CUAD wrote that it was necessary to "bring the war home."

For more information on the anti-Israel movement's war on America, check Canary Mission's campaign "[Bringing the War Home](#)."

On March 5, 2025, Khalil [served](#) [video 1] as a [negotiator](#), after pro-Hamas agitators occupied the library lobby at Barnard College in support of students [suspended](#) for "interrupting a 'History of Modern Israel' class on Jan. 21 and distributing fliers, including one that showed a jackboot squashing a Jewish star." The takeover was [organized](#) by CUAD. During the protest, anti-Israel activists [reportedly](#) shared posters that read: "DEATH TO AMERICA," [writing](#) the same message on the library's guest book. Classes were [reportedly](#) disrupted. The police were [sent](#) to the location, [citing](#) a "bomb threat," making a series of arrests.

On March 24, 2024, CUAD [co-organized](#) a [pro-terror](#) event that hosted [Khaled Barakat](#), a leader of a foreign terror organization. The event was titled: "Palestinian Resistance 101." The event also featured [Charlotte Kates](#) and [Nerdeen Kiswani](#). Kates and Barakat are the heads of [Samidoun](#), an organization banned in Germany and Israel for its ties to terrorism and the [Popular Front for the Liberation of](#)



Mahmoud Khalil's Participation in the Pro-Hamas Encampment at Columbia

On April 24, 2024, the New York chapter of the [Palestinian Youth Movement \(PYM\)](#) posted on Instagram: "THE PEOPLE'S (POPULAR) UNIVERSITY FOR PALESTINE: For the past week, students at Columbia's Gaza Solidarity Encampment have put on alternative programming for those joining on the lawns, from teach-ins to cultural performances..." The post included a video in which Khalil [appeared](#) [00:00:31] dancing at the encampment, alongside other anti-Israel activists.

On April 26, 2024, the New York Post [reported](#): "The anti-Israel tent encampment at Columbia University is being led by a cohort of controversial student leaders...these students are the ones negotiating directly with leaders of the Ivy League university – holding campus hostage with dozens of tents and hundreds of protesters splayed out on the lawn..." The article quoted Khalil saying: "The university understood that we cannot operate on timelines. We cannot operate under time pressure."

In an April 27, 2024 Quds News Network (QNN) interview posted on X, Khalil [said](#) [00:00:05] in Arabic: "We have been negotiating since last night for more than 11 hours with the university to meet our demands regarding the cutting economic and academic ties with Israeli universities and the universities involved in slaughtering our Palestinian people..."

On April 29, 2024, Bwog Columbia Student News [reported](#): "...Columbia University Apartheid Divest (CUAD) held a press conference to address the end of negotiations and the University's plans to clear the Encampment..." Speaking on behalf of CUAD, Khalil [said](#): "...the students in this Encampment are a gift to Columbia" and "...the University should be proud of its student activists rather than suspend them and 'trample its reputation.'"

On April 30, 2024, a user posted on Instagram a video interview from CNN in which Khalil was [asked](#) [00:00:01]: "Are you...going to listen to the University and leave the encampment here?" Khalil [replied](#) [00:00:04]: "Of course not! The University is the one who should listen to us. They should listen to their student body who are demanding to end the war that's happening in Palestine. Our...demands are clear...regarding divestment from the Israeli occupation that companies that are profiting [sic] and...contributing to the genocide of our people..."

[Asked](#) by CNN [00:00:47]: "How far are you all willing to go here on campus?", Khalil [replied](#) [00:01:08]: "...the students will remain here... until they achieve their...demands."

On April 30, 2024, USA Today [reported](#): "The school...suspended graduate student Mahmoud Khalil, lead negotiator for Columbia University Apartheid Divest in talks with the administration that have failed to resolve the crisis."

On May 2, 2024, the BBC, in a news brief titled: "Columbia student has suspension reversed," [reported](#): "...Mahmoud Khalil...was suspended yesterday. Today...Khalil received a surprising message: it was abruptly reversed." Khalil reportedly [said](#): "[They said] that after reviewing the evidence, they don't have any evidence to suspend..."

The BBC report [said](#): "Khalil, a Palestinian international student who was born in [sic] raised in Syria, said that the thought of suspension had 'been stressful,' given that his visa in the US is dependent on his status as a student."

On April 26, 2024, The Verge [reported](#): "Mahmoud Khalil, a Palestinian student who has been involved in the negotiations with Shafik's office, also spoke, saying international students were especially at risk. 'I am here on a foreign visa. That's why for the past six months, I've barely appeared on the media,' Khalil said."

The encampment was also in [support](#) of the BDS movement.





- ✓ **Support for Hamas Terrorism**

- ✓ **Leading Role in a Pro-Hamas Protest**

- ✓ **Leading Role in a Library Takeover**

- ✓ **Pro-Hamas Encampment at Columbia University**

- ✓ **Background on Pro-Hamas Encampments**

- ✓ **The Columbia Student Intifada**

- ✓ **The Pro-Terror & Anti-Israel Movement After 10/7/2023**

- ✓ **Mahmoud Khalil's Work and Education**

- ✓ **Social Media and Weblinks**



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Search for a Professor



Rumeysa Ozturk

Status: Student
 State: Massachusetts
 Organizations: BDS
 University: Tufts, TC



Share:

Rumeysa Ozturk [engaged](#) in anti-Israel activism in March 2024, in the wake of the [Hamas](#) terrorist [attacks](#) on Israelis on [October 7, 2023](#).

On [October 7, 2023](#), Hamas [murdered](#) approximately [1,200](#) Israelis, [kidnapped](#) hundreds and [wounded](#) thousands. War crimes included mass [rape](#) and torture. Many [Palestinian](#) civilians [participated](#) in and [supported](#) the [attacks](#), and Gazans working in the targeted Israeli communities [gave](#) intelligence to Hamas on where to strike.

For more information, see the Canary Mission page on [Hamas](#).

Ozturk is a [supporter](#) of the [Boycott, Divestment, Sanctions \(BDS\)](#) movement.

As of January 2025, Ozturk was listed as the course instructor of "[Intro to Children's Media - 04](#)" and "[Youth and Media - 06](#)" at Tufts University (Tufts).

The courses were scheduled to take place in February and April 2025, respectively. Both course descriptions said: "...reserved for high school students who are rising 10th, 11th, or 12th grade students...students will be prompted to submit an additional application after enrollment..." Tufts is located in Medford and Somerville, Massachusetts.

As of January 2025, Ozturk's LinkedIn [said](#) she had worked as a graduate research assistant at Tufts since August 2023, and as a course instructor at Tufts from July 2024 to August 2024.

As of the same date, Ozturk's LinkedIn [said](#) she was studying for a doctorate in child study and human development at Tufts, slated to graduate in 2026.

Ozturk [graduated](#) with a master's degree in developmental and child psychology from Teachers College, Columbia University (TC) in 2020. TC is located in New York, New York.

As of February 2025, Ozturk's LinkedIn [said](#) she was located in the Greater Boston area, Massachusetts.



▼ **Social Media and Weblinks**



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EXHIBIT N



Search for a Professional



Mohsen Mahdawi

Status: Unknown
State: New York
Organizations: WOL, SJP, JVP, DAR, BDS
University: Columbia, BZU



Share:

Mohsen Mahdawi's Arrest, Call for Israel's Destruction, Justification of Hamas Terrorism and Support for the Pro-Hamas Encampment at Columbia University (Columbia)



Mahdawi speaking at an anti-Israel rally



03:10

Mohsen Mahdawi is a leading anti-Israel activist who was [arrested](#) in April 2025 for his pro-Hamas activism. He has also [called](#) for Israel's destruction and [justified](#) Hamas terrorism in late 2023. Ten years earlier, he [celebrated](#) a terrorist who had [murdered](#) dozens of Israeli Jews in 1978. Mahdawi also [showed](#) support for the pro-Hamas encampment at Columbia in April 2024.

Mahdawi made his late 2023 statements after a series of Hamas terror [atrocities](#) and [war crimes](#) against Israeli civilians, including [mass murder](#), torture, [rape](#), beheadings and [kidnappings](#), which were [executed](#) on [October 7, 2023](#). The [attacks](#) left over [1,200](#) Israelis dead, hundreds kidnapped and thousands [wounded](#). Israel [retaliated](#) with a war [called](#) "Swords of Iron."

[Hamas](#) has been [designated](#) as a terrorist organization by the U.S., Canada, European Union, Israel and other countries. Founded in 1987, it has [killed](#) thousands of Israeli civilians through mass [shootings](#) and [suicide](#) bombings. Hamas has also [kidnapped](#) children, [families](#) and the [elderly](#) and held them [hostage](#) in Gaza. It has [desecrated](#) [slide 7] dead bodies and [launched](#) numerous [rocket](#) attacks [against](#) Israeli civilians.

In December 2023, Mahdawi [served](#) as co-president of [DAR Palestine at Columbia University \(Dar at Columbia\)](#), Columbia's Palestinian student union, which is [reportedly](#) part of a coalition of 80 anti-Israel student groups. Columbia is located in New York, New York.

Mahdawi was also [affiliated](#) with the pro-terror activist group [Within Our Lifetime \(WOL\)](#) in 2023. He was [reportedly](#) a member of [Students for Justice in Palestine \(SJP\)](#) that [same year](#).

Mahdawi is a [supporter](#) of the [Boycott, Divestment, Sanctions \(BDS\)](#) movement.

In December 2023, CBS [reported](#) [00:07:10] that Mahdawi "grew up in a refugee camp in the Israeli-occupied West Bank."

As of [February 20, 2024](#), Mahdawi, who also goes by Mohsen Khader Mahdawi, was [listed](#) in Columbia's online directory as a student in the Department of Philosophy at Columbia's School of General Studies.

As of [March 7, 2024](#), Mahdawi's since-deleted LinkedIn profile [said](#) he was slated to graduate from Columbia in 2024.

As of the same date, Mahdawi's LinkedIn also [said](#) he studied computer engineering at Birzeit University (Birzeit) from 2008 to 2014.

Birzeit University's student body has [celebrated](#) terrorists since at least 2003. That year, student government elections featured models of exploding Israeli buses, as parties competed on the basis of which Palestinian faction had killed the most Israelis.





“ **Hamas is a product of the Israeli occupation,**” he said. Hamas, which has governed Gaza since 2007, has been designated as a terrorist organization by the U.S. and European Union.

Mahdawi shares the view of many Palestinians that Gaza is a longtime “open-air prison” of Israel’s doing.

is rooted in international law, under which occupied peoples have the right to resist the occupation of their land,” they wrote. “If every political avenue available to Palestinians is blocked, we should not be surprised when resistance and violence break out.”

On Oct. 12, Mahdawi was among hundreds of pro-Palestinian demonstrators who gathered on Columbia’s South Lawn. Supporters were called terrorists and had water thrown at them, he said.



Arrested by ICE

Calling for Israel’s Destruction

Justifying Hamas Terrorism in 2023

Celebrating a Terrorist in 2013

Anti-Israel Activism (BDS)

Showing Support for the Pro-Hamas Encampment at Columbia

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← Post



Stephen Miller ✓
@StephenM



This is just patently false. We have officials working continuously to identify, revoke or deny foreigners' visas who espouse hatred for America or its people. This is a top priority. College students who witness such conduct can use the ICE tip line. Also: there is no "speech code" of any kind in the Columbia deal. There is an ironclad requirement — with enforcement mechanisms — to admit students based on actual merit and not illegal racial quotas, set asides or preferences.



Glenn Greenwald ✓ @gggreenwald · Jul 29

Exactly. No foreign students are being deported by the Trump State Department and ICE for criticizing the US - only for criticizing Israel.

Just like the "hate speech" codes Trump demanded US colleges adopt allows students to call the US a "racist endeavor" but not Israel. ...

9:08 PM · Jul 29, 2025 · **996.4K** Views



883



3K



15K



357



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