



April 23, 2026

Alexander D. Casas  
University Police Department  
Florida International University  
3000 Northeast 151st Street  
Building SO II  
North Miami, Florida 33181

**URGENT**

*Sent via U.S. Mail and Electronic Mail (Alexander.Casas@fiu.edu)*

Dear Chief Casas:

FIRE, a nonpartisan nonprofit that defends free speech,<sup>1</sup> is concerned by Florida International University's arrest of student Gabriela Saldana for jokingly requesting that Israeli Prime Minister Benjamin Netanyahu bomb an event on campus.<sup>2</sup> While Saldana's speech may have been concerning to some, the university police department may not arrest a student simply for engaging in speech protected by the First Amendment. In the case of an alleged threat, that means evaluating not only the reception of the speech but also the speaker's subjective intent. We therefore urge FIUPD to perform this analysis before arresting students in the future.

On April 15, 2026, Saldana reportedly posted several messages jokingly referencing Netanyahu and bombs in a WhatsApp group containing FIU capstone students.<sup>3</sup> Two read: "Netanyahu, if you can hear me, drop some bonbons for us capstone students in Ocean Bank Convention Center," and, "Netanyahu if you can hear me drop something with a B and ends with a B and has O and M in it – in Ocean Bank Convention Center."<sup>4</sup> A student replied to the latter message with a meme depicting Spider-Man, which read: "do you see this shit

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<sup>1</sup> For more than 25 years, FIRE has defended freedom of expression and other individual rights on America's university campuses. You can learn more about our mission and activities at [fire.org](https://fire.org).

<sup>2</sup> The comments mimicked a popular meme format in which social media users jokingly ask Netanyahu to attack various sources of inconvenience in their lives. K.J. Genuardo, *What Is The 'Netanyahu Please' Meme And Why Was An FIU Student Arrested Over It? The TikTok Meme About The Israeli Prime Minister Explained*, YAHOO! NEWS, (Apr. 21, 2026 12:51 PM) <https://sg.news.yahoo.com/netanyahu-please-meme-why-fiu-165111918.html?guccounter=1>. The recitation of facts here reflects our understanding of the pertinent information based on publicly available information. We appreciate that you may have additional information to offer and invite you to share it with us.

<sup>3</sup> Complaint/Arrest Affidavit at 1 (Miami-Dade Cty. Ct. 2026) (No. F26007487).

<sup>4</sup> Wirelyss (@wirelyss), X (Apr. 18, 2026 4:31 PM) <https://x.com/wirelyss/status/2045601170228417000/photo/1>.

Neji,” to which another student reacted with “😂”<sup>5</sup> Another of Saldana’s messages read: “[T]here is going to be a bomb in the Ocean Bank Convocation Center and it was going to be Jonathan’s fault.”<sup>6</sup> A final message from Saldana allegedly read: “@Netanyahu can you please drop bombs on FIU. Finals are next week and I’m not ready.”<sup>7</sup> Saldana later apologized for the messages, saying she had made a “dumb joke,” later editing the message to add: “I sowwy :(.”<sup>8</sup> According to the arrest report, Saldana’s comments referenced an event scheduled for April 10, the Friday prior to her comments.<sup>9</sup>

Saldana was arrested the following day, and the arresting officer alleged she “sent, posted transmitted [her messages] in a manner in which [they] may be viewed by another person” and that she “intended the threat to be a true threat.”<sup>10</sup> The report does not specify which of the messages the officer believed to be a true threat.

The First Amendment binds public universities like FIU<sup>11</sup> such that its actions and decisions—including the pursuit of disciplinary sanctions<sup>12</sup> and the conduct of its police officers<sup>13</sup>—must comply with the First Amendment.

Considered on their face and in context, Saldana’s comments do not meet the standard for an unprotected true threat. A “true threat” is a statement through which “the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals[.]”<sup>14</sup> and requires that the speaker consciously disregarded a substantial risk that their speech would place another in fear of serious physical harm.<sup>15</sup> The exception does not include speech that amounts to rhetorical hyperbole.<sup>16</sup> Here, several pieces of context make clear Saldana did not imagine her words

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<sup>5</sup> *Id.* Neji is a character from the anime series *Naruto*, and the post followed a popular meme format. “Do You See This Shit?”, KYM (Jul. 7, 2021, 3:45 PM), <https://knowyourmeme.com/memes/do-you-see-this-shit>.

<sup>6</sup> *Id.*

<sup>7</sup> Srishti Singh Sisodia, *US Student Arrested For Jokingly Asking Benjamin Netanyahu to “Drop Bombs” On Her College*, NDTV WORLD (Apr. 20, 2026, 9:32 PM), <https://www.ndtv.com/world-news/us-student-arrested-for-jokingly-asking-benjamin-netanyahu-to-drop-bombs-on-her-college-11384602/amp/1>.

<sup>8</sup> Gulshan Parveen, *Who is Gabriela Saldana? Why was Florida student arrested for cracking joke about Netanyahu*, WION (Apr. 20, 2026, 7:32 PM), [https://www.wionews.com/world/who-is-gabriela-saldana-why-was-florida-student-arrested-for-cracking-joke-about-netanyahu-1776692764490#goog\\_rewarded](https://www.wionews.com/world/who-is-gabriela-saldana-why-was-florida-student-arrested-for-cracking-joke-about-netanyahu-1776692764490#goog_rewarded).

<sup>9</sup> Complaint/Arrest Affidavit, *supra* note 3 at 1.

<sup>10</sup> *Id.*

<sup>11</sup> *Healy v. James*, 408 U.S. 169, 180 (1972) (“[T]he precedents of this Court leave no room for the view that, because of the acknowledged need for order, First Amendment protections should apply with less force on college campuses than in the community at large. Quite to the contrary, ‘the vigilant protection of constitutional freedoms is nowhere more vital than in the community of American schools.’”) (internal citation omitted).

<sup>12</sup> *Papish v. Bd. of Curators of the Univ. of Mo.*, 410 U.S. 667, 667–68 (1973).

<sup>13</sup> *Glik v. Cunniffe*, 655 F.3d 78, 79 (1st Cir. 2011).

<sup>14</sup> *Virginia v. Black*, 538 U.S. 343, 359 (2003).

<sup>15</sup> *See Counterman v. Colorado*, 600 U.S. 66 (2023).

<sup>16</sup> *Watts v. United States*, 394 U.S. 705, 708 (1969) (man’s statement, after being drafted to serve in the Vietnam War—“If they ever make me carry a rifle the first man I want to get in my sights is L. B. J.”—was rhetorical hyperbole protected by the First Amendment, not a true threat to kill the president).

could be perceived as a serious threat. First, according to the Complaint/Arrest Affidavit, Saldana's April 15 comments were "regarding a scheduled event on Friday, April 10, 2026," which was *five days prior* to her posts.<sup>17</sup> There is no possible basis to consider Saldana's posts to be a serious threat that either she or Prime Minister Netanyahu were planning to violently target an event that had already taken place.

Even if Saldana's posts were made in reference to a contemporaneous or future event, the context of her remarks makes clear she did not believe her comments would actually be perceived as a threat. Three out of four of her supposedly threatening remarks consisted of "requests" that the leader of a foreign nation order bombs (or, in one case, bonbons) to be dropped on FIU's convocation center in South Florida. It is not credible that anyone would reasonably believe an FIU undergraduate would have the power to order the "dropping" of bombs anywhere, let alone in the United States, by any foreign power. Nor is it credible to believe that Saldana's chosen method of reaching out to Israel's prime minister would be via a WhatsApp group of FIU capstone students. Her remaining post, which jokingly referenced another member of the group chat as being at fault for the "bomb"<sup>18</sup> must be considered in light of the whole text conversation.

And later that evening, when confronted with evidence that people were upset about her speech, Saldana explicitly called the comments a "dumb joke" and said, "i sowwy :(" That explanation, and the accompanying childish spelling of "sorry," should have been enough to reveal to any observer that there was no threat to FIU. University police, taking these comments in their full context, ought to have immediately recognized that Saldana neither considered that her messages could have been taken as a threat nor intended them as a threat. That others claimed to interpret her speech as threatening, despite ample contextual evidence to the contrary, is immaterial to this analysis.<sup>19</sup>

Campus police and administrative staff must know what constitutes a crime and what does not, gather the relevant facts about the particular case before them, and act accordingly. When a complaint on its face and in readily available context appears to consist of purely protected speech, the police department must immediately drop its investigation and must not pursue charges against the student,<sup>20</sup> or risk creating a profound and unconstitutional chill on freedom of expression on its campus.

Saldana's speech is protected by the First Amendment. Accordingly, we request a substantive response to this letter no later than May 6, 2026, confirming that FIUPD will take into account the First Amendment's protection for jokes and hyperbole when evaluating alleged threat cases going forward.

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<sup>17</sup> Complaint/Arrest Affidavit, *supra* note 3 at 1.

<sup>18</sup> See, e.g., *Why did US and Israel attack Iran and how long could the war last?*, BBC, (Apr. 21, 2026), <https://www.bbc.com/news/articles/cx2dyz6p3weo>.

<sup>19</sup> See *Counterman*, 600 U.S. at 77.

<sup>20</sup> See *Mendocino Env't Ctr. v. Mendocino Cnty.*, 192 F.3d 1283, 1300 (9th Cir. 1999) (holding an investigation is unconstitutional when it chills "a person of ordinary firmness from future First Amendment activities") (internal citation omitted).

Sincerely,

A handwritten signature in black ink, appearing to be "D. J. ...", written in a cursive style.

Program Officer, Campus Rights Advocacy

Cc: Jeanette Nuñez, President  
Katherine Fernandez Rundle, State Attorney for Miami-Dade County