

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

RÜMEYSA ÖZTÜRK,

Petitioner,

v.

DONALD J. TRUMP, in his official capacity as President of the United States; PATRICIA HYDE, in her official capacity as the New England Field Office Director for U.S. Immigration and Customs Enforcement; MICHAEL KROL, in his official capacity as HSI New England Special Agent in Charge, U.S. Immigration and Customs Enforcement; TODD LYONS, in his official capacity as Acting Director, U.S. Immigration and Customs Enforcement; KRISTI NOEM, in her official capacity as Secretary of the United States Department of Homeland Security; and MARCO RUBIO, in his official capacity as Secretary of State,

Respondents.

Civil Action No. 2:25-CV-00374-WKS

**MOTION OF 27 AMERICAN JEWISH ORGANIZATIONS FOR LEAVE TO FILE
AMICI CURIAE BRIEF IN SUPPORT OF PETITIONER RÜMEYSA ÖZTÜRK'S
PETITION FOR WRIT OF HABEAS CORPUS AND MOTION FOR RELEASE UNDER
MAPP V. RENO, OR IN THE ALTERNATIVE, FOR RETURN TO VERMONT**

In accordance with Rule 29 of the Federal Rules of Appellate Procedure, counsel for proposed *Amici Curiae*, Ansche Chesed, Bend the Arc: A Jewish Partnership for Justice, B'nai Jeshurun, the Boston Workers Circle, Congregation Beth Elohim, Congregation Dorshei Tzedek (West Newton, MA), Habonim Dror, Harvard Jewish Progressive Alumni, IKAR, J Street, Jewish Alliance for Law and Social Action, Jewish Center for Justice, Jewish Labor Committee, Keshet, Leo Baeck Temple, Ma'yan Tikvah, New England Jewish Labor Committee, New Israel Fund, New Jewish Narrative, New York Jewish Agenda, Nexus Project, T'ruah: The Rabbinic Call for

Human Rights, Temple Emanu-El (San Francisco, CA), Temple Micah (Washington, D.C.), The Reconstructionist Rabbinical Association, The Workers Circle, and Worcester Havurah (collectively, the “Proposed *Amici*”) respectfully request leave of this Court to file the attached *amici curiae* brief (the “Proposed *Amici Curiae* Brief”) in support of Petitioner Rümeysa Öztürk’s petition for writ of habeas corpus (the “Petition”) and motion for release under *Mapp v. Reno*, or in the alternative, for return to Vermont (the “Motion for Release”). As grounds for their motion, the Proposed *Amici* state as follows:

1. The Proposed *Amici* are 27 American Jewish organizations who cherish the Constitution’s guarantee of freedom of speech. A short description of each of the Proposed *Amici* organizations is attached as Appendix A to the Proposed *Amici Curiae* Brief.

2. While the Local Rules of this Court “do not provide for the filing of briefs as *amicus curiae*, this court has authorized such filings when the individual or entity seeking to file the brief requests the leave of the court to do so in accordance with Rule 29 of the Federal Rules of Appellate Procedure.” *Allen v. Dairy Farmers of Am., Inc.*, No. 5:09-CV-230, 2015 WL 13979688, at *3 (D. Vt. Sept. 14, 2015). This Court has also recognized that “[d]istrict Courts have inherent authority to appoint or deny *amici* which is derived from Rule 29 of the Federal Rules of Appellate Procedure.” *Given v. Rosette*, No. 15-CV-101-JGM, 2015 WL 5177820, at *2 (D. Vt. Sept. 4, 2015) (quoting *Jin v. Ministry of State Sec.*, 557 F. Supp. 2d 131, 136 (D.D.C. 2008)). Consistent with Fed. R. App. 29, a motion in the district court for leave to file an *amicus* brief should “state (1) the movant’s interest, and (2) the reason why an *amicus* memorandum is desirable and why matters asserted are relevant to the disposition” of the matter before the Court. *Entergy Nuclear Vermont Yankee, LLC v. Shumlin*, No. 1:11-CV-99 JGM, 2011 WL 1883040, at *3 (D. Vt. May 17, 2011).

3. The Proposed *Amici* seek leave to address the significant free speech issues implicated by the Petition and Motion for Release. Specifically, the Proposed *Amici Curiae* Brief argues that Öztürk’s arrest, detention, and potential deportation on account of her expression of lawful, core political speech violates the First Amendment to the U.S. Constitution. The Proposed *Amici Curiae* Brief further argues that the statutory basis for Öztürk’s detention is facially void for vagueness.

4. The Proposed *amici* offer a unique perspective that will assist the Court beyond what the lawyers for the parties are able to provide. The Administration has justified its revocation of Öztürk’s visa in the name of combatting antisemitism. As the New York Times summarized, “Ms. Ozturk is one of many international students whom the government is seeking to deport after President Trump promised to combat antisemitism on campus and punish student protecters for misbehaving.” Anemona Hartocollis, “Targeting of Tufts Student for Deportation Stuns Friends and Teachers,” THE NEW YORK TIMES (March 29, 2025) <https://www.nytimes.com/2025/03/29/us/rumeysa-ozturk-tufts-student-detained.html>. While the Proposed *Amici* do not presume to speak for all of Jewish America—a diverse community that holds a multitude of viewpoints—they believe that the government appears to be exploiting Jewish Americans’ legitimate concerns regarding antisemitism as a pretext for undermining core pillars of American democracy, the rule of law, and the fundamental rights of free speech and academic debate on which this nation is built. As set forth in the proposed *amicus* brief, *Amici* believe that “To watch state authorities undermine the same fundamental rights that empowered so many Jewish Americans is chilling; to know it is being done in the name of the Jewish people is profoundly disturbing.” Further, “*amici* believe such unjust treatment of lawful residents like Ozturk will aggravate the risks to American Jews, not ease them.”

5. Thus, the Proposed *Amicus* Brief will aid the Court’s consideration of the government’s proffered basis for its actions by setting forth the viewpoints of many of those on whose behalf the government purports to act.

6. More specifically, President Trump’s January 29, 2025 Executive Order titled “Additional Measures to Combat Anti-Semitism” announced that “It shall be the policy of the United States to combat anti-Semitism vigorously, using all available and appropriate legal tools, to prosecute, remove, or otherwise hold to account the perpetrators of unlawful anti-Semitic harassment and violence.” Executive Order 14188, “Additional Measures to Combat Anti-Semitism,” The White House (Jan. 29, 2025) <https://www.whitehouse.gov/presidential-actions/2025/01/additional-measures-to-combat-anti-semitism/>, at § 2. The Executive Order highlighted measures to combat antisemitism at “institutions of higher education,” and then expressly referenced 8 U.S.C. § 1182(a)(3)—the provision of the Immigration and Nationality Act invoked here to revoke Öztürk’s SEVIS designation that, in turn, led to her visa revocation, arrest, detention, and potential deportation—as a ground for “investigations and, if warranted, actions to remove such aliens.” *Id.* § 3(e).

7. The “Fact Sheet” accompanying that Executive Order, further promised to “Deport Hamas Sympathizers and Revoke Student Visas” observing, “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.” “Fact Sheet: President Donald Trump Takes Forceful and Unprecedented Steps to Combat Anti-Semitism” The White House (Jan. 30, 2025) <https://www.whitehouse.gov/fact-sheets/2025/01/fact-sheet-president-donald-j-trump-takes-forceful-and-unprecedented-steps-to-combat-anti-semitism/>.

8. Notably, in the immediate wake of Öztürk’s arrest, a spokesperson from the Department of Homeland Security told ABC News, “DHS and ICE investigations found Ozturk [sic] engaged in activities in support of Hamas. . . .” Luke Barr, “Tufts PhD student on visa arrested by immigration authorities, school says,” ABC News (Mar. 26, 2025) <https://abcnews.go.com/US/tufts-phd-student-visa-arrested-immigration-authorities/story?id=120176245>.

9. Putting aside the merits of the government’s interpretation of Öztürk’s speech here as being “in support of Hamas,” it is clear that the government has detained her and revoked her visa under the banner of fighting antisemitism. Further, the statute it has invoked requires a finding that her continued presence in the United States compromises a compelling U.S. foreign policy interest. As Jewish American organizations and congregations, proposed *Amici* provide an important perspective on that assertion and clearly have an interest that may be affected by the decision in the present case. As set forth in the proposed *amicus* brief, it is their strong view that, “Our foreign policy is not so fragile that an op-ed in a student newspaper could so easily compromise it, and our constitutional guarantees are not so feeble that they may be so easily discarded.”

10. Additionally, in their proposed brief, the Proposed *Amici* raise another reason that the government’s actions raise serious constitutional concerns. Specifically, the Proposed *Amici* argue that to the extent the government invokes 8 U.S.C. § 1227(a)(4)(C)(i) (the “Foreign Policy Ground”) (*see* Doc. No. 12-1) as justification for Öztürk’s arrest, detention, and potential deportation, that statute is unconstitutionally vague on its face. Laws regulating expression are subject to a stringent test, as vague speech regulations invite arbitrary enforcement against less popular viewpoints and cause speakers to self-censor. *See NAACP v. Button*, 371 U.S. 415, 432,

435 (1963). This is an argument that has not been raised by the Petitioner. Proposed *Amici* therefore believe that they offer the Court an important and relevant argument that goes beyond what the parties have put before the Court.

11. No counsel for any party authored this brief in whole or in part, and no person or entity, including the Proposed *Amici*, made a monetary contribution to the preparation or submission of the brief. The Proposed *Amici* provided timely notice of this brief to the parties.

12. Counsel for the Proposed *Amici* emailed with counsel for Petitioner Rümeyisa Öztürk on April 8, 2025, who responded the same day that Petitioner does not object to the filing of an *amici* brief by the Proposed *Amici*. Counsel for the Proposed *Amici* also emailed counsel for the Defendants on April 8, 2025, who responded on April 10, 2025 that Defendants do not object to the filing of an amicus brief.

For all these reasons, the Proposed *Amici* request that the Court grant this motion and accept the attached Proposed *Amici Curiae* Brief for filing.

April 10, 2025

Respectfully Submitted,

/s/ Gary L. Franklin, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2025 a true copy of the above document was filed via the Court's CM/ECF system and that a copy will be sent automatically to all counsel of record.

April 10, 2025

/s/ Gary L. Franklin, Esq.
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