

Federal lawsuit seeks injunction against Trump's unconstitutional executive orders targeting free speech

Jacob Crosse
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A group of students and professors at Cornell University has filed for an emergency injunction against the Trump administration, seeking to block the enforcement of two sweeping executive orders that violate fundamental constitutional rights.

The lawsuit, filed in the US District Court for the Northern District of New York on Saturday, is the first major legal challenge to Trump's executive orders on speech and dissent. It challenges Executive Order 14161, "Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats," and Executive Order 14188, "Additional Measures to Combat Anti-Semitism."

The plaintiffs—graduate student Momodou Taal, Professor M?koma Wa Ng?g?, and student Sriram Parasurama—argue that these executive orders suppress speech, criminalize dissent, and are designed to silence critics of the US and Israeli governments.

The lawsuit, filed by attorney Eric Lee and the American-Arab Anti-Discrimination Committee (ADC), notes that these orders violate the First and Fifth amendments of the US Constitution by unlawfully restricting freedom of speech, imposing vague and overbroad regulations, and instilling fear of criminal prosecution or deportation among students and academics.

"Only in a dictatorship can the leader jail and banish political opponents for criticizing his administration," the filing explains.

Lead attorney Eric Lee condemned the administration's actions in a statement posted on Saturday: "If 'the people' lack the right to criticize the U.S. government or listen to such criticisms, the First Amendment is a dead letter... The claim that such restrictions are needed to fight 'terrorism' is a lie aimed at chilling speech."

The lawsuit highlights the unprecedented scope of the two executive orders, which the plaintiffs argue are explicitly aimed at suppressing pro-Palestinian activism and broader dissent against US government policies.

Executive Order 14161 ("EO 1") empowers the Trump administration to surveil, vet, and expel non-citizens who express "hostile attitudes" toward US institutions, culture or government. The order also mandates increased immigration enforcement against individuals deemed to be associated with foreign terrorist organizations, a term the plaintiffs argue is being weaponized to target peaceful protesters.

Under this executive order, the lawsuit notes,

a non-citizen may not express a "hostile attitude" to Congress, the Supreme Court, Defendant DHS, or Defendant Trump and his administration's policies.

Nor does EO 1 define Defendant Trump's conception of American "culture". For instance, the language of this Order would appear to proscribe scholarship or speech that draws attention to more iniquitous moments in American history, like the expulsion of Native Americans, Jim Crow and the lynching of Black Americans, Japanese Internment, or McCarthyism.

Executive Order 14188 ("EO 2") expands the definition of antisemitism and criminalizes speech deemed "antisemitic," with the plaintiffs noting that this includes broad categories of criticism against the state of Israel. The order directs law enforcement agencies to monitor and prosecute individuals, including US citizens, who engage in protest activities deemed to fall under this classification.

Both orders represent a direct assault on core democratic freedoms and are part of the Trump administration's broader campaign to intimidate and silence opposition. Their enforcement has already had a profound chilling effect on free speech, particularly on college campuses.

Just days before the lawsuit was filed, the Department of Homeland Security (DHS) arrested Columbia University

graduate student and lawful permanent resident Mahmoud Khalil, a vocal pro-Palestinian activist. DHS justified the arrest under EO 2, with Trump calling it the “first arrest of many to come.”

The lawsuit argues that this repression has already led to widespread self-censorship. Plaintiff Momodou Taal, a Cornell graduate student on an F-1 visa, has ceased attending protests, restricted his social media activity, and avoided discussing politics in academic settings out of fear of surveillance and retaliation. Similarly, professors and students like Wa Ng?g? and Parasurama argue that their right to engage in open discussions and hear diverse viewpoints has been directly curtailed.

The emergency filing calls on the court to issue a temporary restraining order and preliminary injunction to immediately halt enforcement of the executive orders while litigation proceeds. They argue that without court intervention, irreparable harm will continue, with students, professors and activists facing arrest, deportation and the suppression of their fundamental rights.

In a statement posted online, Taal explained that the lawsuit is necessary because

What Trump is doing is a threat to millions in the US and worldwide.... We have to challenge the constitutionality of these executive orders.

This lawsuit is aimed at reversing the chill on speech and making people feel confident to stand up. I am fighting for our First Amendment rights and our ability to protest genocide, and stand in solidarity with the Palestinian people. When we are attacked for speech, we have to exercise even more of it. Now is not the time to retreat but to double down.

This is a fight for a future free from oppression. A fight that refuses to normalise genocide and our ability to speak out against it. I expect this will be a long drawn out battle, but we will be victorious.

Taal told the WSWS: “The history of this country records a long tradition of struggle. By bringing this lawsuit, I am aligning myself with the best of those people. The dignity of the human must be upheld and this is what this action seeks.”

In his statement, Lee issued an urgent appeal to the public:

This lawsuit aims to vindicate the rights of all non-citizens and citizens in the U.S., but the courthouse is only one arena in this fight. We appeal to the

population: stand up and exercise your First Amendment rights by actively and vigorously opposing the danger of dictatorship.

Lee also invoked the spirit of the American Revolution, noting that next year marks the 250th anniversary of the Declaration of Independence:

As we prepare to mark the 250th anniversary of the American Revolution next year, recall the words from the Declaration of Independence: “That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it.”

The Socialist Equality Party (SEP) issued a statement Saturday supporting the lawsuit and calling for the mobilization of the working class

to demand the immediate withdrawal of these executive orders, an end to the persecution of Momodou Taal, and the immediate release of Mahmoud Khalil.

The Democratic Party has refused to oppose these attacks. As Trump tramples on the Constitution, the Democrats collaborate with him, passing his budgets and suppressing opposition. They fear the growth of a mass movement against dictatorship, war and capitalism.

The statement called on workers and students to “organize demonstrations, strikes, and workplace actions to demand an end to this political repression.”



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