

TROY EDGAR IMPLIES WE SHOULD DEPORT ELON MUSK

Most people pointing to this insane interview NPR did with DHS Deputy Secretary Troy Edgar focus on the import it has for Mahmoud Khalil's case. When pressed repeatedly, Edgar can offer no proof to back his increasingly escalating claims that Khalil didn't disclose something when he entered the US on a student visa; he just offers the classic troll answer that everything is clear.

Edgar: I think if he would have declared he's a terrorist, we would have never let him in.

Martin: And what did he engage in that constitutes terrorist activity?

Edgar: I mean, Michel, have you watched it on TV? It's pretty clear.

Michel: No, it isn't. Well, explain it to those of us who have not or perhaps others have not. What exactly did you do?

Edgar: Well, I think it's clear or we wouldn't be talking about it. I mean, the reality is that if you watch and see what he's done on the university ...

Martin: Do you not know? Are you telling us that you're not aware?

Edgar: I find it interesting that you're not aware.

But the interview is far more interesting for the logic Edgar offers for Khalil's detention as a *Green Card holder* entitled to more due process, which would suggest even Elon Musk – especially Elon Musk – must be deported under Trump's Executive Orders, right along with

Khalil.

Repeatedly Edgar suggests that the reason they can deport Khalil is because he initially came into the US on a student visa, even though he now has a Green Card. He asserts over and over that because Khalil originally entered on a student visa, it means the Secretary of the State can indefinitely review his status and deport him.

Edgar: Well, like I said, when you apply for a visa, you go through the process to be able to say that you're here on a student visa, that doesn't afford you all the rights of coming in and basically going through this process, agitating and supporting Hamas. So, at this point, yeah, the Secretary of State and the State Department maintains the right to revoke the visa, and that's what they've done.

Martin: How did he support Hamas?
Exactly what did he do?

Edgar: Well, I think you can see it on TV, right? This is somebody that we've invited and allowed the student to come into the country, and he's put himself in the middle of the process of basically pro-Palestinian activity. And at this point, like I said, **the Secretary of State can review his visa process at any point and revoke it.**

Martin: He's a permanent resident. He's not a visa holder. He's a legal permanent resident. He has the green card, at least he did, until it's alleged that it was revoked.

If the allegation is that Mr. Khalil organized protests and made speeches after which other people engaged in prohibited activity, or, say, violent activity. Well, Mr. Trump gave a political speech on January 6, 2021, after which some individuals engaged in

violent and illegal acts. How is this any different?

Edgar: President Trump's a citizen and the president of the United States. **This is a person that came in under a visa.** And again, the secretary of state at any point can take a look and evaluate that visa and decide if they want to revoke it.

Martin: He's a legal permanent resident. I have to keep insisting on that. He is a legal permanent resident.

So what is the standard? Is any criticism of the Israeli government a deportable offense?

Edgar: Like I said, I think that **at this point when he entered into the country on a student visa, at any point we can go through and evaluate what his status is.**

Martin: Is any criticism of the United States government a deportable offense?

Edgar: Like I said, if you go through the process and you're a student and you're here on a visa and you go through it, at any point ...

Martin: Is any criticism of the government a deportable offense?

Edgar: Let me put it this way, Michel, imagine if he came in and filled out the form and said, 'I want a student visa.' They asked him, 'What are you going to do here?' And he says, 'I'm going to go and protest.' We would have never let him into the country. [my emphasis]

Edgar is wrong. This is not actually the basis on which the government claims to be relying to deport Khalil. A document published by WaPo confirms that the government is relying on the Section 237(a)(4)(C)(i) of the Immigration and

Nationality Act as their basis to deport Khalil.

The Secretary of State has determined that your presence or activities in the United States would have serious adverse foreign policy consequences for the United States.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 237(a)(4)(C)(i) of the Immigration and Nationality Act, as amended, in that the Secretary of State has reasonable ground to believe that your presence or activities in the United States would have potentially serious adverse foreign policy consequences for the United States.

That document relies on the fact that Khalil is not a citizen, as does the law itself.

This document – dated March 9 – was filed the day after Khalil was detained. Like so much else, it could be an attempt to retcon a decision made off inaccurate information – though this Atlantic piece reveals that there was a second, still-unidentified Green Card holder on the same list targeting Khalil.

It turns out Secretary of State Marco Rubio identified a second individual to be deported, and included that person alongside Khalil in a March 7 letter to the Department of Homeland Security. Both were identified in the letter as legal permanent residents, The Atlantic has learned.

Rubio's letter notified DHS that he had revoked both targets' visas, setting in motion plans for U.S. Immigration and Customs Enforcement to arrest and attempt to deport them, according to a senior DHS official and another U.S.

official who spoke on condition of anonymity to describe how the operation against Khalil took shape.

In addition to the two names in Rubio's initial letter, the State Department has also sent the names of "one or two" more students whose visas it has revoked, according to the DHS official, who described the first group of names as an opening move, with "more to come."

The Atlantic also notes a key error in the form, as well as the claim that DHS claims not to know when Khalil first entered the country.

Perhaps there's some way to reconcile Edgar's views with all this (or perhaps Edgar, who was sworn in last week, simply missed some of this). But the claimed basis for Khalil's deportation doesn't rely on the fact that he first came in on a student visa. It's that he remains a non-citizen. Though I think Rubio needs to apply two clauses: first, his finding that Khalil presents a foreign policy problem for the US.

(C) Foreign policy

(i) In general

An alien whose presence or activities in the United States the Secretary of State has reasonable ground to believe would have potentially serious adverse foreign policy consequences for the United States is deportable.

And also a finding that the fact that he hadn't broken any laws before he entered the country would still not matter; he's still a problem for foreign policy.

(ii) Exceptions

The exceptions described in clauses (ii) and (iii) of section 1182(a)(3)(C) of this title shall apply to deportability under clause (i) in the same manner as they apply to inadmissibility under section 1182(a)(3)(C)(i) of this title.

(iii) Exception for other aliens
An alien, not described in clause (ii), shall not be excludable or subject to restrictions or conditions on entry into the United States under clause (i) because of the alien's past, current, or expected beliefs, statements, or associations, if such beliefs, statements, or associations would be lawful within the United States, unless the Secretary of State personally determines that the alien's admission would compromise a compelling United States foreign policy interest.

So I think Edgar is wrong on the law and wrong on what DOJ and State are at least claiming went down.

But to understand how problematic this premise is, take Edgar's claim – that anyone who ever came in on a student visa could always have his status reviewed – and apply them to Elon Musk.

The underlying framework under which Khalil is facing deportation is a claim that Trump is combatting antisemitism. It's all based on an Executive Order holding that it is the policy of the United States to combat antisemitism ... using all available and appropriate legal tools.

Sec. 2. Policy. 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.

The EO is focused exclusively on universities and defines antisemitism in the context of the October 7 attack.

Sec. 3. Additional Measures to Combat Campus Anti-Semitism. (a) Within 60 days of the date of this order, the head of each executive department or agency

(agency) shall submit a report to the President, through the Assistant to the President for Domestic Policy, identifying all civil and criminal authorities or actions within the jurisdiction of that agency, beyond those already implemented under Executive Order 13899, that might be used to curb or combat anti-Semitism, and containing an inventory and analysis of all pending administrative complaints, as of the date of the report, against or involving institutions of higher education alleging civil-rights violations related to or arising from post-October 7, 2023, campus anti-Semitism.

Trump wants every agency to find ways to deport students, and only students, implicitly those who support Palestine. (This is, I suspect, in significant part a Stephen Miller wet dream to use the tools of the Civil Rights movement against tolerance.)

He has done nothing to pursue his policy of combatting antisemitism, such as in DOGE, right there in the White House.

But the Civil Rights Act on which Trump is relying applies to all federal funding. It applies to government advisors. It applies to government contractors. It applies to government advertising or public statements, such as the ones that are being released only on Xitter.

It might even apply to some inauguration festivities.

And key government advisor Elon Musk is not only fostering antisemitism on his social media platform, he's using his public government platform to adopt antisemitic symbols.

The clause State is using in an attempt to deport Khalil appears right between one targeting actual terrorists (remember that right wing hate groups have been deemed terrorists

around the world) and those involved in Nazi genocide.

And yet Trump has no complaint about the former student visa holder Elon Musk using his platforms and government funding to defend the actual Neo-Nazis.

To be clear: Edgar is wrong. It's not that Khalil entered on a student visa, it's that he's not a citizen. Elon was allowed to become a citizen, so is safe from this particular targeted persecution.

But his use of government funding to platform antisemitism should not be.