

## Selective Law Enforcement: Weaponizing Justice

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Immigration is undoubtedly one of today's most polarizing issues, with opinions ranging from extreme ends of the spectrum to more nuanced perspectives. Yet, beyond just immigration laws, there seems to be a glaring structural impediment that becomes a clear obstruction of equally distributed justice, due process, and human rights. This absence of regulation isn't just identifiable within immigration laws, but drug policies, corporation laws, and deficiencies within the first amendment. Driven predominantly by biases, commonly of race, gender, and ethnicity, selective Law Enforcement has swept our judicial process by a quiet-festering storm, undermining the values of our legal system entirely.

Federal immigration agents arrested Mahmoud Khalil, a Palestinian Columbia University graduate and pro-Palestinian activist, on March 8, 2025. Initially, they claimed his student visa had been revoked, but when his wife provided proof of his green card, agents asserted that his permanent residency had also been revoked—despite the due process protections afforded to green card holders. Khalil's legal team swiftly filed a court order of habeas corpus, arguing that his arrest violated the First Amendment that protected his right to speech, activism, and assembly as well as the Due Process Clause which prevented arbitrary detention. A federal judge blocked his deportation pending a court order, but ICE rapidly transferred him to Louisiana, restricting his access to legal counsel. Since then, agencies such as the ACLU and NYCLU have **continuously** intervened, demanding that he be returned to New York.

This isn't the only occurrence **where** immigrant activists, many with visas, **have been** taken under false, unclear charges, which also cost numerous their degrees and personal liberties. This is a distinct demonstration of selective law enforcement, as Khalil appears to have been

targeted not for any legitimate immigration violation, but for his political activism. The abrupt revocation of his status, without due process, suggests retaliation against a force they disagree with rather than routine enforcement, mirroring broader patterns of law enforcement being used to suppress dissenting voices. Even looking past the fact that protestation is an issued right, there were also a number of non-Palestinian students—specifically white activists—who were treated vastly differently. While there were protests led by white students aligned with the Palestinian cause, they did not appear to face the same level of personal consequences or legal targeting as Khalil did. Khalil's arrest and the revocation of his green card seem to be linked to his public political identity and activism, particularly since his background as a Palestinian might have made him more of a target for federal immigration enforcement. It's clear that selective law enforcement is in the works when the government disproportionately targets someone, while other activists with similar political views (but without the same identity) face little to no consequences. This also goes against the Morton Memo, which was established in 2011, prioritizes deportations based on threats to public safety and not political activism. Where in Khalil's case, his arrest was tied to his pro-Palestine activism rather than any licit violation, which directly opposes the memo's principle of focusing on actual security threats, not political disputes.

This systematic fault isn't solely evident in a modern cause such as this but can be traced back through pockets of history, which demonstrate its persistent nature with little to no push back in hopes of fixing this issue. During 2020 BLM protests, many protestors reported aggressive law enforcement responses. This includes mass arrests and federal charges even if peaceful rallies. Ultimately, a large outcry had occurred due to public comparisons of how the Justice Department handled prosecutions for the January 6 Capitol riot vs. the racial injustice

protests following George Floyd's death. A review of over 300 federal cases from the protests shows that many individuals involved in violent actions were convicted of serious crimes, such as rioting and arson, with sentences of 27 months in prison. While in contrast, some Capitol rioters have faced much lighter penalties, with many only charged with misdemeanors or receiving home confinement or brief jail time. The distinct differences between sentencing of these two cases reflect the unique nature of these two events: one being the Capitol riot aimed to disrupt a federal process, while most racial justice protests being held were initially peaceful and only resorted to violence in a few instances. This aggressive prosecution of protest-related crimes continues under the Justice Department, despite numerous public claims of political motivations, not served in the name of true justice.

This comparison shows how the legal system again and again fails to equally distribute the rule of law and promote the value of equal protection under the law. Nothing grants special privileges to evade the same legal sentence or reprimand as one who committed equal action to you, yet our justice system resists understanding this crucial fundamental. With selective law enforcement running rampant, it paves a destructive pathway down a hole of continuous ill-treatment and bias-driven law.

Additionally, going **even** further back in history, not just to demonstrate two prime cases of modern selectivity, but the stagnant nature of our legal system. Within evolving ideals regarding equality and promoting constitutional rights, you'd imagine our justice system to be more elevated and advanced than the extremely convoluted one of the past. But it's clear that is not the case, as the 1986 Anti-Drug Abuse Act identifies a long-standing profiling stereotype that still is present within our modern day, potentially exacerbating this issue. In the ACLU's report, *Cracks in the System: Twenty Years of the Unjust Federal Crack Cocaine Law*, it establishes

there was a 100-to-1 sentencing disparity between crack and powder cocaine. The report criticizes this policy for disproportionately impacting African American and low-income communities, as crack cocaine is more accessible to these groups, while powder cocaine tends to be used by wealthier white Americans. While the original aim of the law was to go after high-level drug traffickers, in practice the law has had its biggest impact on low-level offenders, with numerous African Americans being disproportionately arrested, convicted, and sentenced for drug, specifically crack related, offenses.

Aforementioned, the impact of this act remains prevalent within today's societies, particularly within stereotypes. The stereotypes rooted in these policies still impact modern society, linking African Americans and low-income communities with criminality. These stereotypes fuel racial profiling that in turn fuel the issue of unequal law enforcement. This prolonged unequal treatment perpetuates negative perceptions of Black communities and influences modern practices such as over-policing, which continue to hinder progress.

Overall, these occurrences within our modern day life regarding selective law enforcement demonstrates just how prominently it's ingrained within its structure, negatively impacting a span of communities. This not only addresses the recognition and acknowledgement that is required, but for more judicial oversight and for police forces to publish arrest and prosecution statistics in order to identify trends of prejudice and be open to public scrutiny. With obvious protections of confidentiality, this helps hold the federal government to a standard of equality and in preserving the rights of the people to an equal degree. Though the issues may seem deeply embedded, it's easy to fall into the trap of thinking that such a federal system is unchangeable. However, the courage demonstrated by many victims of selective law

enforcement proves that our right to free speech and expression must be defended and exercised to its fullest extent.

## Works Cited

- “ACLU Releases Crack Cocaine Report, Anti-Drug Abuse Act of 1986 Deepened Racial Inequity in Sentencing.” *American Civil Liberties Union*, 26 Oct. 2006, [www.aclu.org/press-releases/aclu-releases-crack-cocaine-report-anti-drug-abuse-act-1986-deepened-racial-inequity](http://www.aclu.org/press-releases/aclu-releases-crack-cocaine-report-anti-drug-abuse-act-1986-deepened-racial-inequity).
- “Court Cases.” *American Civil Liberties Union*, [www.aclu.org/court-cases](http://www.aclu.org/court-cases).
- Ofihe, Office, and Assislntl Secreary. *Policy Number: LOon.I*. 2010.
- “Records Rebut Claims of Unequal Treatment of Jan. 6 Rioters.” *AP NEWS*, 30 Aug. 2021, [apnews.com/article/records-rebut-claims-jan-6-rioters-55adf4d46aff57b91af2fdd3345dae8](https://apnews.com/article/records-rebut-claims-jan-6-rioters-55adf4d46aff57b91af2fdd3345dae8).
- Zimmerman, Kristin. “The Unfair Sentencing Act: Racial Disparities and Fiscal Consequences of America’s Drug Laws.” *Themis: Research Journal of Justice Studies and Forensic Science*, vol. 2, no. 1, 1 May 2014, <https://doi.org/10.31979/themis.2014.0210>.