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www.afgazad.com

afgazad@gmail.com

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Niles Niemuth

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Trump's persecution of Mahmoud Khalil for "thought crimes" is the spearhead of dictatorship



A crowd gathers in Foley Square, outside the Manhattan federal court, in support of Mahmoud Khalil, Wednesday, March 12, 2025, in New York [AP Photo/Stefan Jeremiah]

An administrative immigration judge in Louisiana ruled on Friday that the Trump administration can proceed with its deportation efforts against Columbia graduate student and legal permanent resident Mahmoud Khalil for opposing the genocide in Gaza.

Judge Jamee Comans, an employee of the Department of Justice, gave Khalil and his lawyers until April 23 to file for relief, after which he would be transported to either Syria or Algeria. Khalil's lawyers are also pursuing legal action in New Jersey to stop his imminent expulsion from the country.

The Trump administration has kidnapped, detained and is seeking to deport Khalil not for any alleged criminal activity, but solely for his political views and speech. In his drive to dictatorship, the fascist Trump is attempting to steamroll what remains of democratic rights in

the United States—above all, the First Amendment right to free speech—using immigrant students as the spearhead of the attack.

In a memo submitted by the State Department last week, Secretary of State Marco Rubio asserted that Khalil should be deported because of his “past, current, or expected beliefs, statements, or associations that *are otherwise lawful*.” (Emphasis added.) The memo claims that such views—if deemed contrary to “compelling US foreign policy interests”—constitute grounds for deportation. Khalil’s presence in the US, Rubio stated, “would compromise a compelling US foreign policy interest.”

That is, Trump is seeking to punish Khalil and hundreds of other foreign students in the United States who have had their visas revoked for the “thought crime” of opposing the genocide in Gaza—the greatest war crime of the 21st century—a position which the government claims is “antisemitic.”

Rubio has invoked a rarely used subsection of the Immigration and Nationality Act (INA) originating in the McCarthyite witch-hunts of the 1950s and updated in the post-9/11 assault on civil liberties. This is now being used to make the unprecedented assertion that non-citizens have no First Amendment rights and cannot make any statements critical of the government.

What does it mean to state that not only “beliefs” but “expected beliefs” can have “adverse foreign policy consequences”? This goes beyond violating the First Amendment, criminalizing not only speech, but thought itself, and the potential for thought. The assertion is a wholesale repudiation of the principles that guided the founders of the American republic, who believed, as James Madison put it, that “conscience is the most sacred of all” rights.

Within this framework, the freedom of expression becomes the freedom to agree with the policies of the government and, indeed, Trump himself. It is a declaration that opposing the government is illegal, a principle upheld by every dictatorship throughout history.

Once the precedent is established for criminalizing opposition to US foreign policy, it can be applied to everything and everyone. The government will seek to declare that its interests require the profitability of American corporations and therefore protests and strikes against individual companies are illegal.

The direct precedent for the Trump administration’s positions is the concept of *Willensstrafrecht* (“punishment of the will”), developed by the Nazi regime of Adolf Hitler. In this system, the accused could be convicted and sentenced to death for merely indicating a mental attitude that might suggest, and possibly encourage in others, disloyalty.

Khalil's case is the most prominent in a growing list of students and academics targeted for opposing US policy. Other students and academics who face similar persecution on these fascist grounds include:

- Tufts student Rūmeysa Öztürk, who was seized by masked agents for co-authoring an op-ed calling on the university to acknowledge the genocide and urging divestment from Israel. She remains detained in Louisiana.
- Cornell Ph.D. candidate Momodou Taal, a British-Gambian citizen, who was forced to flee the country after the administration retaliated against his legal challenge to Trump's executive orders attacking free speech.
- Dr. Helyeh Doutaghi, an international law scholar, who was fired by Yale Law School without due process after false accusations from an AI-generated pro-Zionist outlet.
- A French scientist who was denied entry into the US after border agents reviewed private messages criticizing Trump's anti-science agenda on his cell phone.

The administration is operating on a worked-out playbook to establish a dictatorship. The same day as the ruling on Khalil was made in Louisiana, administration lawyers declared in a federal court that the government would not share information as to steps it was taking to repatriate Abrego Garcia from a terror prison in El Salvador.

The Supreme Court ruled on Thursday that the Trump administration had to "facilitate" the return of Abrego Garcia, who was transported to El Salvador last month after the White House flagrantly violated a court order that deportations under the Alien Enemies Act had to be stopped. (The Supreme Court, in an earlier ruling, declared that the deportations under the act could proceed.)

In a statement published alongside the Supreme Court ruling on Thursday, Justices Sonia Sotomayor, Elena Kagan and Ketanji Brown Jackson warned:

The Government's argument, moreover, implies that it could deport and incarcerate any person, including US citizens, without legal consequence, so long as it does so before a court can intervene.

Indeed, Trump and his fascist cronies have openly mulled the deportation of American citizen prisoners to the same El Salvador prison to which Abrego Garcia and others have been disappeared.

Already, work is underway within the Trump administration to consider how to invoke the Insurrection Act of 1807, which would allow for the deployment of US soldiers against the population, with a deadline set for April 20 on a report to the president.

The working class in the United States—native-born and immigrant alike—must take a powerful stand against the attack on Khalil and the others. The First Amendment guarantees the right of all people in the US to free speech. If this right is denied to non-citizens, then it is denied to citizens. The First Amendment and the Constitution as a whole become a dead letter. This is a crucial step in the attack on the working class.

Trump's erection of a fascist dictatorship and the assault on democratic rights will not be opposed by the Democratic Party. At every step it has enabled Trump's actions, setting the stage for his attack on students and collaborating in the passage of legislation to keep his government running, as the Department of Government Efficiency (DOGE), overseen by the world's richest person, Elon Musk, fires tens of thousands of federal workers.

Protests against the Gaza genocide were viciously broken up by the police under the direction of the Democrats and the Biden administration, which pushed the claim that the protests were a threat to Jewish students, despite the participation of many Jewish students and supporters. In this way, the Democrats set the stage for Trump's dictatorial actions.

The April 5 demonstrations, in which millions took to the streets to oppose the Trump administration's efforts to establish a fascist dictatorship, were an important turning point. They shattered the official line that Trump is invincible and that the Democrats and union bureaucracies are helpless to do anything to stop him.

There is mass and growing opposition to Trump and fascism in the working class, but the Democrats and unions are standing in the way. This powerful but initial expression of opposition must be developed into a politically conscious and independent movement armed with a socialist program aimed at mobilizing the working class against the capitalist system, which is the ultimate source of fascism and the attack on democratic rights.

The Socialist Equality Party is spearheading the fight to build a mass working class movement to defend democratic rights and oppose the drive to fascism and dictatorship. We call on all those who want to join this fight to join our party and take up the struggle for socialism.

Niles Niemuth@niles_niemuth